



**Commission  
for the Blind**

# Vocational Rehabilitation Policy Manual

# INTRODUCTION

The NYSCB *Vocational Rehabilitation Policy Manual* provides vocational rehabilitation (VR) staff with policy and procedure information needed to assist individuals through the VR process.

Although every effort has been made to produce a thorough and comprehensive manual, situations will likely arise which have not been addressed or there may be a need for clarification of information in the manual. All staff are encouraged to raise questions through supervisory levels regarding the manual's content.

If the question is not able to be addressed at the local level, it should be raised to the Program Services Unit in the home office. Questions can be presented either in writing or verbally. A concise summary of the facts surrounding the situation in question should be provided including the specific policy in question, any differing interpretations of the policy and a proposed solution.

Program Services Unit staff will review and research the issue or policy in question. This may require consultation with district office staff, legal counsel and possibly Rehabilitation Services Administration (RSA) staff. Responses will be provided in a timely manner.

NYSCB VR services are provided in accordance with federal, state and NYSCB policies, guidelines and funding capabilities.

The VR Program is administered in accordance with Title VI of the Civil Rights Act of 1964 (42 USC 200d et seq., federal regulations at 45 CFR Part 80 and the New York State Human Rights Law, where no person will be excluded from participation, be denied the benefits of, or be subjected to discrimination under such program on the basis of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, or disability.

The VR program is also administered in accordance with Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112 and federal regulations (45 CFR Part 84) where no person in the state who is otherwise qualified, will be denied services on the basis of disability.

# **NEW YORK STATE COMMISSION FOR THE BLIND VOCATIONAL REHABILITATION POLICY MANUAL**

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Rights and Responsibilities

Applicants and participants are afforded certain basic rights with respect to nondiscrimination, confidentiality and the opportunity to appeal decisions made by NYSCB staff.

Contents of This Section

This chapter includes the following sections that address rights and responsibilities that apply to the VR program.

Section 1.01 Confidentiality

Section 1.02 Guidelines for Communication

Section 1.03 Appeals Process and Procedures

Section 1.04 Client Assistance Program (CAP)

Section 1.05 Informed Choice

### Introduction

All personally identifiable information (PII) furnished to or by NYSCB will be maintained in a confidential manner and released only in accordance with applicable laws, regulations and guidelines, including all of the following:

1. Federal regulations (34 CFR 361.38) regarding confidential information
2. Education Law §1007
3. Personal Privacy and Protection Law (Public Officers Law), §91 et. seq.

Information will only be released or obtained when necessary for VR program purposes. VR counselors should carefully evaluate whether obtaining or releasing the information is relevant and necessary for service provision or to enable the individual to meet their goal before they share or request information. A *Release of Confidential Information* form is required except in special circumstances as described below (see “Special Circumstances Allowing for Release of Confidential Information Without an Individual’s Consent” below).

Individuals also have a right to information in their case record for reasons unrelated to the VR program and can request that NYSCB release information in a written request.

NYSCB will also release information when necessary to protect the safety of the participant or others in accordance with the guidelines in this section or when otherwise authorized by a court order in accordance with applicable laws and regulations and in response to investigations in connection with law enforcement, fraud or abuse.

Information will be released by the assigned VR counselor or their supervisory staff. The VR counselor should seek supervisory guidance anytime they have questions about obtaining or releasing information. When releasing substance use, mental health and/or HIV/AIDS related information, the VR counselor should consult with their supervisor before releasing any information to confirm that all necessary guidelines are followed.

### What is to be Held Confidential

All information available to employees or representatives of NYSCB during the administration of the VR program is the property of NYSCB and will be maintained in a confidential manner and released only consistent with applicable federal and state laws and regulations. This includes but is not limited to

1. lists of names and addresses,

2. reports from service providers,
3. reports of medical/psychological examinations and treatment,
4. financial information,
5. services and related payments, and
6. any additional information in the case record.

### Informing Individuals about Release of Confidential Information

Individuals must be informed about the guidelines for the release of confidential information during the intake interview. The NYSCB Handbook for Vocational Rehabilitation Services contains information regarding confidentiality of information that should be reviewed at the initial intake interview. Individuals must be informed about the exceptions allowing for release of confidential information without their consent. This includes, but is not limited to, the requirement that VR counselors report knowledge of an individual driving.

### Special Circumstances Allowing for Release of Confidential Information Without an Individual's Consent

The VR counselor, after consultation with supervisory staff, may release personal information without the written consent of the individual to protect the individual or others when the individual poses a threat to their safety or to the safety of others. The VR counselor must document in the case record, the reason for the release of information, the entities to which the information was released, and the nature of the information released [34 CFR Section 361.38 (e)].

In addition to the mandated notification to the Department of Motor Vehicles described below, where appropriate, the VR counselor should discuss with all individuals, the impact their vision loss has on their ability to drive safely and the potential danger of their driving. The VR counselor may find it helpful to include the individual's family in this discussion.

NYSCB will continue to assist the individual through the VR process after the report has been made. Orientation and Mobility training and/or reimbursement for travel costs to travel safely to participate in services is available in accordance with NYSCB policy. The availability of these services should be discussed with all individuals who participate in services outside of their home. See Section 9.07, Transportation for more information.

NYSCB will release identifying information under certain circumstances in accordance with the following guidelines:

1. NYSCB staff who have documentation that an individual is legally blind and credible knowledge that the individual is driving a motor vehicle (For example, the individual has told the NYSCB staff that they are driving or the NYSCB staff observes the individual driving), must immediately report this information to their district manager. Upon receipt of this information, the district manager must notify the associate commissioner in writing and provide the following information:
  - Individual's name
  - Individual's address
  - Individual's date of birth
  - The basis for the NYSCB staff member's knowledge that the individual is driving

A copy of this notification must be provided to the VR counselor (in the event the notification did not originate from the VR counselor) and must be entered in the individual's case record. The individual's name and address will be forwarded to the New York State Department of Motor Vehicles Driver Improvement Program for appropriate action by that agency. Copies of the letter to the Department of Motor Vehicles will be sent to the VR counselor and to the individual.

2. If the VR counselor learns about an individual driving a motor vehicle through a service provider, they should meet with the individual to verify the accuracy of the information. The VR counselor must document the content and the outcome of the meeting in a letter to the individual. If the individual confirms that they do drive, the letter should specifically indicate whether they have agreed to stop driving. A copy of the letter must be provided to the district manager who will forward the letter to the associate commissioner to determine the appropriate follow-up actions, which could include reporting the information to the Department of Motor Vehicles.

Reporting this information is required regardless of the individual's status in the VR program. It applies to all individuals when NYSCB has documentation of legal blindness, including individuals applying for services, individuals who withdraw their application for services, eligible individuals and individuals receiving services.

### Consent for Release

Information shall not be disclosed directly or indirectly, other than in the administration of the VR program, or as otherwise required by law or regulation without a signed Release of Confidential Information form, unless the individual is driving or thought to be driving or otherwise poses a threat to their safety or to the safety of others.

If the individual is a minor, the parent or legal guardian must sign the consent form, except when releasing HIV related information. When a request to obtain or release HIV related information for a minor is needed, the VR counselor must consult with OCFS counsel before requesting or releasing any HIV related information.

### Conditions for Release

Any release of information to any member of the public, agency, or organization other than a referral to the NYS Department of Motor Vehicles for individuals who are driving or thought to be driving or when the individual poses a threat to their safety or to the safety of others shall be conditioned upon the following:

1. A signed release from the individual
2. A satisfactory assurance by such member of the public, agency, or organization that the information will be used only for the purpose for which it is provided, and will not be released to any other individual, agency or organization without written authorization from the individual

A release of information is not needed when referring an individual to a service provider who has a contract with NYSCB. Confidentiality assurances are covered in the contract language.

### Release for Protected Individuals

Certain individuals in protected categories are afforded additional protection beyond the basic conditions for release cited above. Federal and state laws require that special conditions be met when releasing or obtaining confidential information regarding substance use, mental health and HIV and/or AIDS. For each of these protected categories, there are common and specific conditions that must be met for all releases of information.

### Special Conditions

To release or obtain information regarding substance use, mental health, HIV or AIDS, the following special conditions for release of information are required:

1. A designated staff person must be responsible for approving the release of confidential information. The VR counselor or their supervisor is designated by NYSCB to obtain and release information in accordance with the special conditions related to confidentiality. The VR counselor should consult with supervisory staff prior to releasing the information.

2. The name, title and address of the person to whom the information is being released or from whom it is being obtained must be clearly noted on the Release of Confidential Information form.
3. The signature of the individual and the date the release was signed must be entered on the release form.

If the individual wants to rescind his/her permission, an oral request is valid, but should be followed up in writing. When an oral rescission is made, the VR counselor should note it in the individual's file and send a confirming letter to the individual.

#### Specific Conditions for Releasing Substance Use, Mental Health or HIV/AIDS Information

The NYS Department of Health Release Form (DOH 5032) must be used when disclosing information or records regarding substance use, mental health or HIV/AIDS.

#### Release of Information to the Individual

Individuals have access to their own records pursuant to and subject to any limitations set forth in the applicable federal and state law and regulations.

Upon written request, information shall be released to the individual, or as appropriate, a parent, guardian or other representative subject to the special provisions noted below.

#### Information Received from Other Sources

If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization. For example, a licensed psychologist may prohibit releasing psychological evaluation reports unless the request is made directly to the psychologist.

#### Release of Medical, Psychological or Other Information to the Individual

Information may be released to individuals in accordance with these special provisions:

If in the opinion of the VR counselor, release of such information would clearly not be harmful to the individual, then such information may be released directly to the individual. If in the opinion of the VR counselor, release of such information may be

harmful to the individual, then such information must be released through a third party chosen by the individual, which may include, among others, an advocate, a family member or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative.

#### Amendments to the Case Record

If the individual believes that the information in their case record is inaccurate or misleading, they can request that NYSCB amend the information. If the information is not amended, the request for the amendment must be documented in the case record.

#### Release of Information to Organizations Involved in Research

Requests for the release of information for research purposes must be transmitted to NYSCB Senior Management for consultation with the OCFS Bureau of Research. No information can be shared for research purposes unless approved by Senior Management.

#### Security of Confidential Records

NYSCB staff is responsible for safeguarding records so that the confidentiality of those records is maintained.

#### Judicial Order for Participant Records

If a judicial order requiring the release of individual records or the provision of testimony is served to a NYSCB employee, no information should be released, or testimony given until the document is reviewed by the Office of Children and Family Services (OCFS) Division of Legal Affairs. If you receive a subpoena

1. you must **IMMEDIATELY** notify the district manager in your office (or other individual representing the district manager in their absence).
2. the district manager (or their representative) will **IMMEDIATELY** transmit the subpoena to the NYSCB home office and call to alert that office of the transmittal.
3. The NYSCB home office will transmit the judicial order to the OCFS Division of Legal Affairs c/o Counsel's Office located at OCFS's home office

4. The Division of Legal Affairs will advise the NYSCB home office of the proper action to be taken following its review of the subpoena. Such action may include copying records and the delivery of such records to the court issuing the subpoena. The NYSCB home office will notify the district manager of the result of the review by the Division of Legal Affairs.

#### Service of Complaint or Other Legal Proceeding Upon NYSCB Employees

If a complaint or other legal document is served upon a NYSCB employee for the purpose of commencing a legal action or proceeding against the employee related to their employment with OCFS, the employee must immediately notify their supervisory staff. Notification must immediately be transmitted to Senior Management staff who will notify the OCFS Division of Legal Affairs in accordance with the Public Officer's Law. The OCFS Division of Legal Affairs must submit the original document to the New York State Office of the Attorney General with a request for representation within five days of being served. In the event of service, the NYSCB employees may contact the OCFS Division of Legal Affairs with any questions or concerns.

### Introduction

It is the expectation of NYSCB that NYSCB and contract agency staff communicate with individuals in their preferred format.

Although it is important to communicate effectively with individuals at all points in the rehabilitation process, it is especially important at the time of case opening and closure. Individuals are provided information regarding their rights and the availability of the Client Assistance Program (CAP) at these times. It is best practice that VR counselors have a face-to-face meeting with any individual prior to opening or closing their case. In addition, a letter must be sent in the individual's preferred format when their case is being closed.

### Using Interpreters to Facilitate Communication

For deaf-blind or Limited English Proficiency (LEP) individuals, it is mandatory that a certified interpreter or other acceptable communication format, preferable to the individual (e.g., deaf-blind communication device, CART, etc.) be present during both the initial meeting and the closure meeting. This procedure should be followed regardless of the VR counselor's interpreting skills. Exceptions may be made by the district manager when the VR counselor holds the title Vocational Rehabilitation Counselor (Manual Communications) or Vocational Rehabilitation Counselor (Spanish or other Language).

The VR counselor must verify that the individual and the VR counselor understand each other. During meetings where certified interpretation is being used, the VR counselor should stop frequently to check for the individual's understanding and confirm that understanding through the interpreter.

At other times during the rehabilitation process, VR counselors should evaluate the purpose of the meeting and the individuals participating in the meeting to determine if certified interpreter services are required. For example, a meeting to develop and review the IPE would require an interpreter, a meeting to discuss transportation or requesting a service may not require interpretation if another form of communication is available and acceptable to the individual.

See Section 9.08, Interpreter Services for Individuals who are Deaf-Blind, for additional information regarding the use of sign-language interpreters.

### Communication With Deaf-Blind Individuals

Special arrangements may also be needed for individuals who are deaf-blind and do not rely on sign language for communication. For example:

1. Presence of an oral interpreter or certified tactile interpreter to convey the VR counselor's speech if the individual is unable to understand the VR counselor's speech or read lips
2. Use of a deaf-blind communicator or other speech to text, type to text/braille formats for individuals relying on braille for communication

When an interpreter or other modality is used, the VR counselor should stop frequently to check for the individual's understanding and confirm that understanding through the interpreter or alternate modality.

### Communications with Individuals who are Limited English Proficient (LEP)

For VR counselors to communicate effectively with individuals who do not speak English, it is necessary to secure the services of a foreign language interpreter during the initial interview and during other contacts with the individual. Telephone interpretation may be used for phone communication and in-person meetings and during the provision of training at no cost to the individual.

The Office of Children and Family Services (OCFS), follows a Language Access Plan pursuant to NYS Executive Order No. 26, Statewide Language Access Policy, to provide LEP individuals meaningful access to agency services, programs and activities. LEP individuals are to be served in a manner compliant with this policy.

For LEP individuals served by NYSCB, oral interpretation by an approved foreign language interpreter should be provided for pre-planned in-person meetings. Phone calls to and from individuals should utilize telephone interpretation. Exceptions may be made if the VR counselor holds the title Vocational Rehabilitation Counselor (Spanish or other Language). Interpreters should also be provided for training sessions that NYSCB has authorized as well as phone conversations with the providers of the training and/or services. When an interpreter is used, the VR counselor and/or trainer should stop frequently to check for the individual's understanding and confirm that understanding through the interpreter.

For individuals who decline free, OCFS-interpretation assistance during an in-person meeting, the New York State Waiver of Right to Free Interpretation form must be completed. The completed copy must be kept in the individual's case record.

See Section 9.09, Interpreter Services for Non-English-Speaking Individuals, for additional information on the use of foreign language interpreters.

Providing Written Communications in the Individuals Preferred Format

To communicate effectively in writing with individuals, it is important that the individual receive written materials in a format that is accessible to them. At first contact VR counselors are required to ask the individual to identify their preferred format for receipt of written communications and complete and sign the Preferred Format form. This information should also be documented in the "Preferred Written Communication Medium" field on the Demographic Form. Since the preferred format may change during the time an individual is involved with NYSCB, the VR counselor should periodically check with the individual to confirm that the preferred format is current. If the preferred format changes, the case record should be updated. Once updated, the VR counselor must provide all forms of communication to the individual in the identified format(s).

### Policy

It is the policy of NYSCB to provide individuals with the opportunity to resolve disagreements with decisions made by their VR counselor.

### Introduction to the Appeals Process

NYSCB's objective in the appeals process is to provide individuals an opportunity to re-examine the decisions reached by NYSCB staff to determine if they are in accordance with NYSCB policy and procedures. The goal is to reach a mutually agreeable solution in a timely manner at the least formal level possible. Administrative Reviews, Mediation and Administrative Hearings are available options in the appeals process. An informal administrative review gives individuals and NYSCB staff the opportunity to resolve differences more quickly than during the formal administrative hearing process.

Individuals can choose to bypass the administrative review and proceed to mediation or bypass both the administrative review and mediation and proceed directly to an administrative hearing. When an administrative review or mediation is requested, an administrative hearing will also be scheduled. This is required to enable NYSCB to meet the established time frames for a hearing in the event one is needed.

### Informal Resolution at the District Office Level

Prior to beginning the appeals process, if the VR counselor and the individual cannot resolve an issue regarding their VR services, the concern should be brought to the attention of the senior counselor for an initial review in an attempt to come to an informal resolution. Often, the senior counselor can help to resolve the issue and provide a timely resolution. The senior counselor can involve the district manager if that would help to facilitate an informal resolution. The individual should be given information about the Client Assistance Program (CAP).

### Business Enterprise Program Appeals Process

Individuals in the Randolph-Sheppard Business Enterprise Program (BEP) can appeal any NYSCB decision or action pertaining to the BEP program.

Policy and procedures governing the BEP appeals process are in the Handbook for Vending Facility Operators.

### Children's Services Appeals Process

The policy and procedures governing the Children's Program appeals process are contained in the NYSCB Children's Services Handbook.

### Definitions

As used here, unless the context requires otherwise, these terms will have the meanings indicated below:

1. **Administrative Hearing** - a formal hearing conducted by one or more employees of the Office of Children and Family Services (OCFS) who are members of the OCFS State Fair Hearing Board in accordance with the guidelines established in this policy.
2. **Administrative Law Judge** - the member of the OCFS State Fair Hearing Board assigned to conduct an administrative hearing.
3. **Administrative Review** - a review conducted by NYSCB administrative staff in accordance with the guidelines established in this policy.
4. **Agency** means NYSCB.
5. **Individual** - a person who is receiving services from NYSCB or a person who has applied or attempted to apply for services from the agency (applicant or eligible individual).
6. **Mediation** - a voluntary process between the individual and the appropriate NYSCB staff with the goal of resolving a dispute with NYSCB. Mediation is conducted by a qualified and impartial mediator who is trained in mediation techniques. While mediation can be requested at any time, both parties must agree to participate in mediation.
7. **Reviewer** means the agency staff member who conducts the administrative review.
8. **State Fair Hearing Board** - a group of persons established by OCFS and authorized under state law to review administrative hearing decisions that affect the provision of NYSCB's services and carries out the responsibilities of the impartial hearing officers in accordance with federal regulations.

### Individuals' Rights

All individuals have the right to appeal any VR counselor action or decision or any other disagreement with their VR counselor including

1. the denial of an application or the right to apply for services provided by NYSCB;
2. the suspension, reduction or termination of services; and
3. disagreements pertaining to the scope or quality of services provided.

### Time Frame for Requesting a Review

An individual must request a review no later than 60 days after being informed of the action or decision to be reviewed, unless they can show good cause as to why the review request could not be made within the 60-day time frame. The reason for granting a waiver should be documented in the case record.

### Notification of Policy

This appeals policy and the names and addresses of staff with whom to file an appeal will be communicated to all individuals, in their preferred format, through at least the following means:

1. The Handbook for VR Services provided during the intake process to all individuals who apply for VR services. The Handbook includes information regarding rights and responsibilities, information about the Client Assistance Program (CAP) and instructions for initiating an appeal.
2. A statement of the appeal rights included with
  - a. the Individualized Plan for Employment (IPE), including amended IPEs, and
  - b. letters sent to the individual at case closure.
3. At the time of reduction, suspension or termination of VR services, individuals will be counseled about their rights and the actions necessary to begin the appeal process. This will be documented in the case record.

### Continuity of Service

Pending a resolution of an issue being appealed, services currently being provided will

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not be suspended, reduced, or terminated except

1. where services have been obtained through misrepresentation, fraud, collusion, or criminal conduct by the individual or their representative, or
2. where continuation of services would result in a violation of federal and/or state law or regulations.

If an individual appeals a case closure decision, the individual's case status should be returned to the status just prior to case closure, pending the outcome of the appeal.

### Right to Representation

Any individual who requests an administrative review, mediation or administrative hearing will be notified in writing that they have the right to be accompanied and represented by an authorized representative such as legal counsel, a Client Assistance Program representative, lay advocate, relative or other representative, at their expense.

If the individual chooses to be represented during an appeal, they will inform the agency, in writing. Authorization for representation can be withdrawn at any time by giving written notification to the agency of the withdrawal.

The individual may be accompanied at an administrative review, mediation or hearing without prior written notification, if the person accompanying the individual does not act as a representative. The reviewer, mediator or impartial hearing officer will have the right to exclude any individual whose presence is disruptive to the review, mediation or hearing.

### Access to the Individual's Case Record and Other Information

At the individual's (or their representative's) request, NYSCB will provide copies of the case record or pertinent laws, regulations, policies or procedures in their preferred format (to the extent possible). These requests must be signed by the individual or authorized representative and should be submitted in writing to the District Office.

### Time Limitations

1. **Date of filing** - All written communications to and from the agency will be considered filed on the date they are received or in the case of verbal requests, the date they are received by NYSCB.

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2. **Computation of time** - Computation of any period of time will begin on the first day following the day on which the act which initiates the action occurs. The term days will mean calendar days unless otherwise noted.
3. **Extension of time** - The time limits set forth in this policy can be extended by the reviewer, mediator or impartial hearing officer when good cause is shown by one party or at the request of both parties. All requests for extensions will be made in writing to the reviewer, mediator or impartial hearing officer, before the expiration of the period originally prescribed or as previously extended.

### Use of an Interpreter

For deaf-blind individuals or individuals who are limited English proficient a certified interpreter or other acceptable communication format will be provided at agency expense at the administrative review, mediation and administrative hearing when requested and necessary.

### Other Expenses

Round trip transportation for the individual to attend an administrative review, mediation or administrative hearing will be provided at agency expense only within New York State. Waivers to obtain out-of-state travel may be provided by the district manager if such waiver would expedite the appeals process. See Section 9.07, Transportation, for additional information.

Lodging and other incidental expenses related to attendance at an administrative review, mediation or hearing are the responsibility of the individual and will not be provided by NYSCB.

If a waiver is not granted and the individual does not wish to postpone the administrative review, mediation or hearing they may travel at their own expense; or appoint another individual to represent them.

### Requesting a Review

A request for a review must include the following information and won't be considered complete until all information is provided:

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1. Individual's name and address (including mailing address), phone number and preferred method of communication (braille, large print, tape, regular print)
2. If a representative has been identified, the name, address, and phone number of the representative (this information can be provided at a later date if no representative has been identified at the time the request is made)
3. A description of the decision or action being appealed
4. The type of appeal requested (administrative review, mediation or administrative hearing)

Individuals can request an appeal by completing the *Request for an Appeal* form or by providing the required information to enable NYSCB staff to complete the form. The district manager will forward the *Request for an Appeal* form to the home office appeals coordinator to start the process of scheduling the appeal.

### Scheduling the Review – General Information

If an administrative review is requested, the appeals coordinator will forward the request to the associate commissioner or their designee. If mediation is requested, the coordinator will initiate the procedure for scheduling mediation.

In addition, to meet the required time frame for holding an administrative hearing, the coordinator will send a copy of the Request for Appeal form (regardless of the type of review requested) to the Bureau of Special Hearings to schedule an administrative hearing. The Bureau of Special Hearings will provide a copy of the scheduling notice to the individual, the NYSCB representatives and the appeals coordinator. This process should be clearly explained to the individual when they request an appeal.

If the disputed issue is resolved at or before an administrative review or through mediation, the administrative hearing will be cancelled. NYSCB staff will ask the individual to sign a *Cancellation of an Appeal* form indicating that the dispute has been resolved and that the request for an administrative hearing is being withdrawn. The appeals coordinator will forward the form to the Bureau of Special Hearings with a copy to the NYSCB representatives. For information regarding withdrawal from an administrative review or mediation see separate guidelines in each section of this policy.

### Administrative Review - Introduction

The administrative review is considered an informal appeal that can be requested prior

to mediation or an administrative hearing but is not a required step in the appeals process. The following specific guidelines apply only to the administrative review process.

### Scheduling an Administrative Review

Upon receiving a request for an administrative review, the associate commissioner, or their designee will assign a reviewer who will initiate scheduling the review. The designated reviewer must not have been involved in decisions or actions that resulted in the individual's request for an administrative review. The reviewer will schedule a meeting by phone or in person with the individual and their representative, if one has been designated. A separate meeting will be scheduled with the NYSCB staff involved in the decision being appealed. The dates set for these two meetings should be within 10 days of the receipt of the request for an administrative review.

Follow-up meetings or phone calls may take place after the reviewer meets with both parties, if needed.

### Notice of Scheduling

The reviewer will send a confirming letter to the individual (and representative if applicable) in their preferred medium. The confirming letter will include the date, time and place (if applicable) of the review, the name of the reviewer, an explanation of the review procedure and information about right to representation.

### Request for Rescheduling

If the individual is unable to participate in the administrative review meeting as scheduled, they can request that the date and/or time be changed. The request to change the date should be made prior to the day of the review.

### Participation in the Review

If the individual designates a representative for the administrative review and chooses not to participate in the administrative review, the information presented by the representative will be considered representative of the individual's views and the administrative review decision will be made using the information presented by the representative.

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Failure to attend the scheduled administrative review meeting will be deemed a waiver to the right to a review unless the individual contacts the reviewer promptly to explain the reason for the default and requests to reschedule.

### Conducting the Review

The reviewer will meet with the individual (and their representative, if applicable) and then meet with the NYSCB staff involved in the disagreement. The reviewer will analyze relevant NYSCB policy associated with the disagreement. The reviewer may contact the individual and/or NYSCB for further clarification. The reviewer will submit a written draft decision to the associate commissioner of NYSCB within seven days of completion of the meeting with NYSCB staff. The draft decision will include a description of the issues, a summary of the information presented by both parties, a summary of the relevant NYSCB policies and a recommended outcome.

### Issuing an Administrative Review Decision

The associate commissioner will issue the final administrative review decision within five days of receipt of the draft decision from the reviewer.

1. The final decision will be sent to the individual (and representative if applicable) in their preferred format and to the VR counselor, who will enter the decision in the individual's case record.
2. If the decision is favorable to the individual, NYSCB staff will proceed with implementing the decision. If the decision is not favorable, the individual will be informed that they can proceed with the administrative hearing that has been scheduled or they can request mediation.

### Description of the Mediation Process

Mediation provides an opportunity for NYSCB and individuals to work together to resolve a disagreement with the assistance of a trained mediator. By asking questions during the mediation session, the mediator works to open a dialogue between both parties. The goal of mediation is to reach an agreement that conforms to the Rehabilitation Act, federal regulations, state law and NYSCB policy.

Mediation is a voluntary option for both NYSCB and the individual. Both parties must agree to participate in mediation. Participation in mediation will not delay or deny the opportunity for an administrative hearing, although the parties may agree to postpone the administrative hearing pending completion of the mediation process. All parties can

present information to support their position during mediation.

### Scheduling Mediation

When the individual requests mediation, the district manager will send the *Request for Appeal* form to the appeals coordinator in the home office. The coordinator will obtain a signed *Release of Confidential Information* form from the individual to share their contact information, contact information for their representative and a brief statement of the issue to be mediated, with the dispute resolution center or other entity that will be scheduling the mediation. The appeals coordinator will contact the dispute resolution center or other entity in the appropriate county and request that mediation be scheduled.

Staff at the dispute resolution center or other entity will schedule the mediation session and will notify all parties to the mediation. The mediation session will be scheduled in a timely manner and will be held in a location that is convenient to both parties in the dispute, taking into consideration the need to identify an appropriate site and any need for accessible accommodations. Notification of scheduling will be made in writing to all parties. Notification to the individual will be made in their preferred format.

### Withdrawal from Mediation

If the disagreement with NYSCB is resolved prior to the mediation the individual will complete a *Cancellation of an Appeal* form. Mediation will not be delayed or canceled because of the possibility of a resolution, unless the individual requests a delay or cancellation.

### Confidentiality

The mediation proceeding is confidential. Discussions occurring during mediation are not admissible in any subsequent hearing or civil proceeding. The parties to the mediation process will be required to sign an *Agreement to Mediate* form, which includes information about the confidentiality of the mediation, prior to the beginning of the mediation process.

### Representation and Presentation of Evidence

Individuals can select a person to accompany them to and represent them during the mediation session. However, it is critical to the success of mediation that the individual participate as fully as possible in the mediation.

NYSCB will be represented by staff knowledgeable about the disagreement. NYSCB representatives will be designated by the deputy director in consultation with the regional coordinator and/or the district manager.

### Costs

NYSCB will cover the cost of the mediation process, including round trip transportation for the individual to attend the mediation, within New York State.

Waivers to obtain out-of-state travel may be provided by the district manager if such waiver would expedite the appeals process. The appropriate transportation carrier and class will be determined by the NYSCB. Lodging and other incidental expenses related to attendance at mediation will not be provided by NYSCB.

As noted above, NYSCB will not pay for costs associated with representation at mediation.

### Selection of Mediators

Mediation will be conducted by a qualified and impartial mediator who is trained in mediation techniques. Mediators will be selected from a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of vocational rehabilitation services. This list will be maintained by NYSCB.

### Mediation Agreement

If an agreement is reached, the terms will be described in a written mediation agreement signed by the individual and NYSCB staff. NYSCB representatives may not agree to any resolution that conflicts with federal or state law or regulations or NYSCB policy. Implementation of the agreement will begin as soon as possible but no later than 30 days from the signing of the agreement. The mediator will provide copies of the agreement to NYSCB and to the individual in their preferred format and to their representative, if applicable. A copy of the mediation agreement will be placed in the individual's case record.

### Administrative Hearing - Introduction

An administrative hearing is the final level of appeal available through NYSCB. An individual can choose to have an administrative hearing and bypass all other options in

the appeals process. The following specific guidelines apply only to the Administrative Hearing process.

#### Scheduling an Administrative Hearing

The appeals coordinator will forward all requests for an appeal to the Bureau of Special Hearings. An administrative hearing will be scheduled each time an appeal is requested (regardless of the type of appeal requested, to meet federal timeframes for holding an administrative hearing). Within 15 days after the receipt of a request for a review, the hearing will be scheduled at a location convenient for all parties. The hearing will be held within 60 days of the receipt of the request for a review unless a specific extension of time is agreed upon by the parties.

#### Notice of the Hearing

Notice of the scheduled hearing will be provided to all parties by the Bureau of Special Hearings in advance of the hearing. The notice will include the time, date and place of the hearing. The individual's notification will be provided in their preferred format.

#### Request for Rescheduling

Prior to the day on which an administrative hearing is scheduled, the administrative law judge assigned to conduct the administrative hearing may change the date, time or place of the hearing upon written notice to the parties involved when

1. good cause is shown by one party, or
2. at the request of both parties, or
3. the administrative law judge has a conflict requiring a rescheduling.

#### Default

The individual's failure to appear at a scheduled hearing will be deemed a waiver of the right to a hearing unless they apply promptly to the administrative law judge for relief from their default. Such application will include documentation of the reasons for the failure to appear. The administrative law judge will determine whether the individual has established good cause for such failure and if so, vacate the default and reschedule the hearing.

Withdrawal from an Administrative Hearing

An administrative hearing will not be delayed or canceled because of the possibility of a resolution, unless the individual requests a delay or cancellation.

If the disagreement with NYSCB is resolved prior to the administrative hearing the individual must contact the administrative law judge to cancel the hearing.

Subpoenas

At the request of any party to the administrative hearing, the administrative law judge may issue subpoenas requiring the attendance and testimony of witnesses, and/or production of documents and other evidence.

Rights of the Individual

The individual has the right to

1. present and establish all relevant facts by oral testimony and documentary evidence;
2. advance any pertinent arguments without undue interference;
3. question or refute any evidence or testimony, including an opportunity to confront and cross-examine adverse witnesses;
4. examine and introduce relevant evidence from the case record;
5. examine and introduce any other agency documents as determined by the administrative law judge; and
6. be represented by counsel (counsel is not provided by or paid for by OCFS or NYSCB).

Duties and Powers of the State Fair Hearing Board

The administrative law judge presiding at the administrative hearing will have the powers provided by the State Administrative Procedures Act, Section 304 including

1. defining the issues,
2. receiving and considering all relevant and reliable evidence,
3. ensuring an orderly presentation of the evidence and issues, and
4. overseeing the preparation of the record of the proceedings.

The final hearing decision will be made either collectively or by a majority vote of the State Fair Hearing Board and will be

1. a fair, independent and impartial decision;
2. based solely upon the issues and evidence presented at the hearing; and
3. made in accordance with the relevant provisions of statutes, regulations, the approved VR State Plan and the NYSCB VR Services Manual.

### Evidence

The introduction of evidence will be governed by the provisions of the State Administrative Procedure Act, Section 306. All documents and other evidence offered or taken for the record will be open to examination by the parties.

A record of the administrative hearing will be prepared in accordance with the provisions of the State Administrative Procedure Act, Section 302, and will contain the following elements:

1. A statement of the issue or issues involved in the hearing
2. A clear and complete statement of facts as supported by evidence presented at the hearing
3. Reference to all laws, regulations and other legal bases for the decision
4. A concise statement of the conclusions drawn, and the basis for the decision
5. a clear statement of the actions to be taken to implement the decision

### Administrative Hearing Decision

The State Fair Hearing Board will issue a full written report of the findings and the grounds for the decision within 30 days of the completion of the hearing. Copies of the decision will be sent to the

1. NYSCB associate commissioner,
2. the individual, in their preferred format as documented in their case record, and
3. the individual's representative, if applicable.

If the decision is favorable to the individual, NYSCB will take steps to promptly implement the decision. If the decision is averse to the individual, the letter transmitting the hearing decision will inform the individual that if they disagree with the decision, they can file an Article 78 lawsuit in New York State Supreme Court. The counselor will file a copy of the decision in the individual's case record.

### Judicial Review

When an individual seeking or being provided vocational rehabilitation, services is dissatisfied with the final decision resulting from an administrative hearing, they may file a petition for judicial review by the courts pursuant to Article 78 of the C.P.L.R. or in federal district court.

### NYSCB Staff Rights

With respect to the appeals process and procedures outlined in this chapter, NYSCB employees will be afforded all the rights guaranteed by their collective bargaining agreement, OCFS policies and applicable law.

Client Assistance Program (CAP)

The CAP is a federal program operated by Disability Rights New York (DRNY) to assist New Yorkers with disabilities with questions or issues encountered while receiving or applying for NYSCB services.

When an Individual Should Contact CAP

Client Assistance Programs can assist individuals at any point in their VR process. For example, CAP can assist when

1. an individual is applying for services or has questions about the services they can receive;
2. an individual disagrees with decisions made by their VR counselor regarding their employment goal and VR services;
3. an individual has problems or delays in obtaining services, equipment and training
4. an individual disagrees with their case being closed.

How CAP Can Assist

CAP staff will typically learn about an individual's goals, interests and abilities and then discuss their rights in the VR program. If an individual is experiencing a conflict with NYSCB, CAP staff may contact NYSCB to negotiate a resolution. CAP typically attempts to mediate and negotiate a resolution before pursuing a more formal appeal. When a negotiated settlement is not possible, CAP staff may represent an individual at an administrative review, mediation or an administrative hearing and can represent an individual in court if the issue is not satisfactorily resolved through the appeal options available through NYSCB.

Determination of Services to be Provided

CAP has the discretion to determine when it is appropriate to provide their services to an individual. CAP is not obligated to assist an individual when CAP has determined that their dispute lacks merit.

**Notifying Individuals About CAP - VR Counselor's Role**

VR counselors are required to notify individuals about CAP at several times during the rehabilitation process. Notification should be provided in the individual's preferred format. Documentation of the notification should be entered into the case record (this includes a case note and a copy of a letter sent to the individual). Specifically, notification must be made when

1. an individual applies for services. The CAP brochure is shared with applicants at the intake interview. Information about CAP is also included in the NYSCB Handbook which is part of the Intake Packet;
2. an Individualized Plan for Employment (IPE) is developed;
3. an individual's case is closed;
4. there is a disagreement or dispute between the VR counselor and the individual; and
5. an individual requests an administrative review, mediation, or an administrative hearing.

### Introduction

Informed choice is a decision-making process that provides an individual the opportunity to be an active and knowledgeable participant in their vocational rehabilitation (VR) planning. This includes making decisions in ways that reflect the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests, including identifying a vocational goal, the services needed to achieve the goal and the providers of services to achieve the goal. Through informed choice individuals will also be made aware of the degree to which services are provided in an integrated setting.

### Facilitating Informed Choice

In developing the IPE, the VR counselor will provide or assist the individual in obtaining information about the range of options for services to meet their employment goal and information about services providers; including information about the types of services, the cost and duration of services, accessibility, when available, participant satisfaction, provider qualifications and the degree to which the service is provided in an integrated setting.

### Opportunities for Informed Choice

Informed choice occurs at various points in the VR process. Examples of informed choice:

1. Understanding VR eligibility criteria and determining whether VR is appropriate
2. Identifying assessments required to determine eligibility and services
3. Selecting an employment goal and the services required to achieve the employment goal; selecting service providers; understanding comparable benefits; understanding economic need and services that require the individual to meet economic need
4. Selecting the employment setting, type of employment and any additional services needed to facilitate competitive integrated employment
5. Agreement that the individual's case is ready to be closed and what that means to the individual.

### VR Counselor's Role in Informed Choice

Individuals are encouraged to actively participate and make meaningful choices with the support and guidance of their VR counselor. Individuals do not have complete control over their service provision as VR counselors apply their professional judgement,

applicable federal and state laws, agency policies and consideration of each individual's circumstances in the decision-making process.

Some examples of the VR Counselor's role:

1. Supporting the individual's choice making process
2. Identifying the range of services offered in the VR process
3. Providing information to individuals on resources, services and vendors
4. Encouraging individual participation in identifying a vocational goal and selecting the services and service providers required to meet the agreed upon vocational goal
5. Supporting individuals in making reasonable requests and decisions in the selection of services and providers
6. Informing individuals of any potential consequences regarding their choices

#### Individuals Role in Informed Choice

Individuals are responsible for the choices they make while pursuing their vocational goal and for actively participating in the rehabilitation process. Individuals are expected to make choices that will enable them to achieve their employment goal and can use the following strategies to assist in the informed choice decision process:

1. Gather information to understand available services and service providers.
2. Explore resources for obtaining employment and developing vocational skills (this may include accessing a Career Center).
3. Take an active role in developing their IPE.
4. Communicate with their VR counselor frequently and participate in agreed upon services.

#### Limitations on Individual Choice

There are some situations where the VR counselor cannot support the individual's choice, including any of the following situations where:

1. relevant labor market information or substantial evidence indicates that the individual's selected employment goal or the services to reach that goal would not lead to successful employment. In these circumstances other options leading to successful employment will be discussed.
2. the participant requests that the VR program pay for a service that is not required to achieve their employment outcome;
3. the participant's choice conflicts with federal or state law or NYSCB policy;

4. the participant's choice of service or a device can be provided by a contracted service or obtained at a lower cost without reducing the quality, quantity or benefits of that service or device.

### Introduction

This chapter describes the procedures involved when an individual is moving through the rehabilitation process from referral to closure; guidelines for transferring an individual from one VR counselor to another within and between offices; guidelines for interstate transfers and guidelines for reopening cases for individuals who have previously been involved with NYSCB. Statuses were created by the Rehabilitation Services Administration (RSA) to show in what stage of the rehabilitation process an individual is involved.

### VR Statuses

Status 00	Referral
Status 02	Application/Intake
Status 06	Trial Work
Status 08	Closed from Applicant Status
Status 10	Individualized Plan for Employment (IPE) Development
Status 18	Individualized Plan for Employment (IPE) Implementation
Status 20	Ready for Employment
Status 22	In Employment
Status 26	Closed Rehabilitated
Status 28	Closed, Other Reasons After Individualized Plan for Employment Initiated
Status 30	Closed, Other Reasons Before Individualized Plan for Employment Initiated
Status 32	Receiving Post-Employment Services
Status 34	Post-Employment Services Completed: Employment Maintained
Status 36	Post-Employment Services Discontinued - Case Reopened
Status 40	Post-Employment Services Discontinued - Other Reasons

### Status 00 - Referral

An individual enters Status 00 when they request VR services either through submittal of an application or other written document or through a verbal request for VR services. When an individual requests services via phone the VR counselor should enter the appropriate information into an Application form and have the individual sign the application at their initial meeting with the applicant.

Within four weeks of receiving the referral information, NYSCB will contact the individual to explain the programs and services available through NYSCB. If the individual is interested in participating in VR services, the senior counselor will open a VR Intake form and assign a VR counselor. If the individual is interested in another NYSCB

program the senior counselor will initiate the appropriate referral. If NYSCB is unable to reach the individual after several documented attempts, the case should be closed in Status 08.

### Status 02 – Application/Intake

During intake, the applicant must be available to complete the assessment process and provide information to enable the VR counselor to determine eligibility for VR services.

### When to Move Into Status 02

Individuals enter Status 02 when they have provided information to enable the VR counselor to assess whether they are eligible for VR services. During the intake process, the VR counselor should obtain as much information as possible to complete the VR Intake form. Signing the VR Intake form moves the individual into Status 02.

### When to Move Out of Status 02

An applicant leaves Status 02 when a determination has been made that

1. the applicant is eligible for VR services (Status 10) or
2. the applicant is ineligible for VR services (Status 08), or
3. trial work is needed to evaluate whether the applicant is eligible for VR services (Status 06).

### Reopening Cases Closed in Status 08, 28 or 30

When an individual who previously received services and whose case is now closed in Status 08, 28 or 30 applies for services the VR counselor will follow the application process in the same manner as they would for an individual applying for services for the first time.

An individual's circumstances and/or environment may have changed substantially since services ended; thus, every effort must be made to assess the individual's circumstances based on current information and arrive at an eligibility determination based on present rather than on previous information and circumstances.

Information regarding changes which have occurred in the individual's situation relevant to their VR needs and the achievement of an employment outcome should be documented in a case note.

### Reopening Services for Individuals Previously Closed in 26

If an individual previously closed in Status 26 contacts NYSCB requesting further services, the VR counselor should determine whether the individual should receive services through post-employment or if circumstances warrant opening a new case.

If services can be provided as post-employment services, follow the procedures outlined in this chapter and see Chapter 13.00, Post-Employment Services, for additional information; if services cannot be provided under post-employment, the individual can reapply for services and begin an assessment to determine eligibility.

### The Intake Process

Intake is the process of gathering information about an applicant. The following procedures are to be completed by the VR counselor as part of the intake process:

1. Schedule a face-to-face intake interview with the applicant.
2. During the interview, review the informational materials in the NYSCB Intake Packet
3. Gather information about the applicant using the forms in the Intake Packet or enter information directly into CIS:
  - a. Application for Service, if not already completed
  - b. Demographic Information
  - c. VR Intake
  - d. *Release of Confidential Information* (complete at this time only if requesting information from a known source or referring an applicant for services and know the vendor that will be providing the service. Separate release forms are required for each request for information or referral). See Section 1.01, Confidentiality, for additional information
  - e. Education and Training Information
  - f. Work History
  - g. Confidential Health Assessment (Part 1 only; Part 2 is completed by a physician, if needed)
  - h. Economic Status Report (complete at this time if services contingent on economic need are planned)
  - i. IPE WIOA Documentation
  - j. IPE (only complete the IPE if you know the applicant is eligible for VR services and if you have enough information to develop an IPE)

Completion of a form includes obtaining all required signatures on the form. These forms require the applicant's signature: *Application for Service, Release of Confidential Information* and the *IPE*.

4. Ask the applicant if they want to register to vote and complete the necessary paperwork.
5. Complete applications for community resources as requested by the applicant.
6. Obtain information documenting legal blindness (See "Procedure for Documenting Legal Blindness" below).
7. If additional medical information is necessary to determine eligibility, send a copy of the *Confidential Health Assessment* to the physician for completion of Part II - Physician's Appraisal of Current General Health. If the physician must examine the individual, authorize the fee for a general medical examination. If the physician can complete the form based on information from a recent medical examination, authorize the \$10.00 fee for existing medical information. An existing general medical examination report is an acceptable substitute for Part II of the *Confidential Health Assessment*.
8. If information was gathered using paper forms, enter the information into the corresponding forms in CIS.
9. Date the VR Intake form to move the case to Status 02.

### Time Frame for Making an Eligibility Determination

VR counselors must make a determination of eligibility or ineligibility within 60 days of receipt of an application for services.

This period can only be extended for a specific period of time due to exceptional and unforeseen circumstances beyond the control of NYSCB when the applicant agrees to the extension or if trial work is needed to determine eligibility.

If an extension is needed and agreed to by the applicant, complete the Extension of Eligibility form in CIS.

### Procedure for Documenting Legal Blindness

To verify and document legal blindness, the VR counselor will do the following:

1. Review the Medical Eye Report, the Request for Information/Report of Legal Blindness (OCFS 4599) or equivalent report by an ophthalmologist or optometrist. An optometrist's report may be acceptable for eligibility determination if it provides the VR counselor with adequate information to make determinations regarding the eligibility criteria.

If the individual has not had an eye exam and is therefore unable to provide the Medical Eye Report, Request for Information/Report of Legal Blindness form or equivalent report from an ophthalmologist or optometrist, NYSCB can pay for an exam using the VR Diagnostic Authorization in Status 02.

For new applicants, an eye exam which has been conducted within two years prior to the date of its use is considered current for the purposes of determining eligibility.

2. Determine if the description of visual acuity and/or visual fields provided by the ophthalmologist or optometrist meets the definition of legal blindness.

If the medical report is incomplete or contains unclear, complex or conflicting information, the VR counselor can contact the ophthalmologist or optometrist for clarification.

3. Document the outcome of the review in a case note clearly stating whether the applicant is legally blind.

If the applicant has a registry number that can be verified, that registry number can serve as establishing that the applicant is legally blind. Other existing verifiable information from a school or the Social Security Administration (SSA) can also be used to document legal blindness.

### Procedure for Obtaining Additional Medical Information

Once legal blindness is established, the VR counselor may supplement information obtained in the Confidential Health Assessment (Part I) and ophthalmological or optometric reports by following this procedure:

1. Obtain Part II of the Confidential Health Assessment from the applicant's primary physician.
2. Obtain recent medical information from sources identified during the initial interview (e.g., doctors, hospitals, clinics and referring agencies).

3. Obtain any specialist examinations and assessments the VR counselor feels are necessary to determine eligibility. See Chapter 3.00, Assessments and Evaluations During the VR Process, for additional information.
4. Obtain required psychiatric/psychological examination if applicant is developmentally disabled or has a mental or emotional disability. See Chapter 3.00, Assessments and Evaluations During the VR Process, for additional information.
5. Obtain required audiometric examination in cases of known or suspected hearing loss. See Chapter 3.00, Assessments and Evaluations During the VR Process, for additional information.

### Comparable Benefits

The availability of comparable benefits must be determined by the VR counselor when the applicant is in Status 02. Assessment services in Status 02 are provided without consideration of comparable benefits. However, Medicaid benefits and other comparable benefits known to be available must be used in accordance with policies and procedures regarding the use of comparable benefits. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Status 06 – Trial Work

An applicant enters Status 06 when the VR counselor is unable to determine whether an applicant is able to benefit from VR services due to the severity of their disability and trial work is needed to make that determination. See Section 4.02, Trial Work, for additional information.

### When to Move Into Status 06

An applicant enters Status 06 when:

1. the applicant has a physical or mental disability (for NYSCB this must include legal blindness) which constitutes or results in a substantial impediment to employment, and
2. the VR counselor is unable to determine whether the applicant will benefit from VR services and achieve an employment outcome due to the severity of their disability.

### When to Move Out of Status 06

An applicant leaves Status 06 when it is determined that

1. the applicant can benefit from VR services and achieve an employment outcome (Status 10), or
2. there is clear and convincing evidence after participating in trial work that the applicant cannot benefit from VR services and achieve an employment outcome (Status 08).
3. the applicant is no longer available to continue to pursue VR services (e.g., death, moved to another state) (Status 08)

### Procedure for Status 06

Follow this procedure for Status 06:

1. Document the reason for trial work in a case note.
2. Complete the Trial Work Plan that identifies the situational assessments that will be provided and the questions to be answered to enable the VR counselor to make a determination of eligibility.
3. Provide a copy of the Trial Work plan to the applicant in their preferred format.
4. Arrange for situational assessments in accordance with the Trial Work plan
5. Provide any allowable support services needed during the situational assessments.
6. Follow-up on the applicant's progress during the situational assessments to determine whether the applicant is eligible for VR services.
7. If the applicant is eligible, proceed to Status 10.
8. If the applicant is not eligible, open the Determination of Eligibility Worksheet, enter the Trial Work end date, enter "N" in the Eligible for VR Services field, enter the date and the reason for closure. The closure will take place when the VR counselor's supervisor enters a date in the Supervisory Approval Date field.

### Economic Need

All services provided in Status 06 are assessments and are provided without consideration of the applicant's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Use of Comparable Benefits

Assessment services in Status 06 are provided without consideration of comparable benefits. However, Medicaid benefits and other comparable benefits known to be available must be used in accordance with policies and procedures for regarding the use of comparable benefits. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Status 08 – Closure from Referral, Applicant or Trial Work

Status 08 is a closure status used when closing an individual's case from Referral status (Status 00), Applicant status (Status 02) or Trial Work (Status 06).

### When to Move Into Status 08

An individual should enter Status 08 if

1. they do not meet one or both criteria for eligibility, or
2. they will not be participating in VR services for other reasons (e.g., not interested in receiving services, unable to locate)

### Procedures for Status 02-08 or Status 06-08

1. When the VR counselor has been unable to contact the individual, they will
  - a. keep the individual's case open for 60 days,
  - b. document efforts to contact the individual in the case record,
  - c. send a closure letter to the individual, in the individual's preferred format, if known. (See "Notification of Case Closure" below for information to include in the closure letter.)

The VR counselor can also attempt to contact the applicant's representative, if appropriate, to encourage participation.

2. When the individual declines services, do the following:
  - a. Document the reason in the case record.
  - b. Send a closure letter to the individual, in their preferred format if known, (See “Notification of Case Closure” below for information to be included in the closure letter).
  - c. When appropriate, and with the individual's consent, inform the referral source of the closure and indicate other appropriate services you feel may meet the individual's needs.
3. When the individual has been determined ineligible for VR services due to not meeting the criteria for eligibility (Status 02-08) or, if after trial work it has been determined that the individual is unable to achieve an employment outcome due to the severity of their disability (Status 06-08), then do the following:
  - a. Discuss the proposed determination with the senior counselor.
  - b. If the senior counselor concurs with the proposed determination, consult with the individual or their representative before making a final determination.
  - c. If a final determination of ineligibility is made, send a closure letter to the individual in their preferred format. (See “Notification of Case Closure” below for information to be included in the closure letter.)
  - d. If the ineligibility decision is due to the individual choosing not to pursue or not being able to pursue an employment outcome, refer the individual to other workforce system programs that can address their training or employment needs or to other federal, state and local programs that may be able to meet their needs.
  - e. If the ineligibility determination is based on a finding that the individual is unable to achieve an employment outcome, schedule a review of the determination to be held within twelve months of the ineligibility decision. The review must be held annually thereafter if requested by the individual or their representative. The review does not need to be conducted if the individual refuses the review, is no longer present in the state, is unable to be located or has a rapidly progressive or terminal medical condition.
  - f. For closure from Status 02, open a case note, enter “VR – Status Change” in the description field and select Status 08.

- g. For closure from Status 06, complete the appropriate sections of the Eligibility Determination Worksheet.
- h. Prepare a case note that gives the reason for the decision and enter any additional, relevant documentation into the case record.

### Notification of Case Closure

When closing an individual's case in Status 08, send a letter to the individual (or their parent or guardian, if applicable) in their preferred format, if known, or to their representative as appropriate. The letter should include

- a. the reasons for the closure,
- b. information about the appeals process and how to request an appeal, and
- c. information about the Client Assistance Program (CAP) and how to contact CAP.

### Closure Letters for Individuals Moving to IL or ALP Program

Closure letters should not be sent to individuals who have applied for VR services who will instead be receiving services through the ALP or Independent Living Program.

### Status 10 – Individualized Plan for Employment (IPE)

While an individual is in Status 10, the VR counselor and individual work together to develop the Individualized Plan for Employment (IPE). See Chapter 6.00, Individualized Plan for Employment (IPE), for information on developing an IPE.

### When to Move Into Status 10

An individual enters Status 10 after a determination of eligibility for VR services is made.

### When to Move Out of Status 10

An individual leaves Status 10 when

- 1. an IPE has been approved (Status 18), or
- 2. their case is being closed (Status 30).

Time Frame for Developing an IPE

1. An IPE will be developed with every individual who is eligible for services as soon as possible but no later than 90 days after they have been determined eligible for VR services. If it is not possible to complete the IPE within 90 days of determining eligibility, that date can be extended if the individual agrees. A new date must be identified, and the extension must be documented on the Extension of IPE Implementation Agreement in CIS.
2. IPEs must also be developed for students who are eligible for services, within 90 days after they have been determined eligible for VR services. However, if the student will be leaving the school setting before the 90-day timeframe, the IPE must be developed by the time the student leaves the school setting.

Procedure for Entering Status 10

Follow this procedure for entering Status 10:

1. Complete a VR Eligibility Determination Worksheet. Include narrative information in the appropriate fields describing the individual's disability, the documentation used to substantiate the disability and how the functional limitations resulting from the disability cause a substantial impediment to employment. Additional information related to eligibility should be entered into a case note at the bottom of the Eligibility form.
2. If the individual receives SSI or SSDI, enter a Y and "today's date" in the "Presumed Eligible for Services" field. If the individual does not receive SSI or SSDI, enter a Y and "today's date" in the "Eligible for Services" field.
3. If assessment information is complete, the VR counselor and the individual jointly prepare the Individualized Plan for Employment (IPE). See Chapter 6.00, Individualized Plan for Employment (IPE). Proceed to Step 5.
4. If assessment information is not complete and the individual will need to participate in assessments to develop the IPE, open and complete the VR Needs Determination form. Include a case note explaining why the IPE cannot be developed at this time and the plans for gathering information needed to develop an IPE. Assessments needed to assist in the development of the IPE can be purchased while the individual is in Status 10.
5. When the VR counselor and the individual have enough information to determine a vocational goal, complete the IPE.

6. Obtain the individual's signature on the approved IPE and attach the scanned copy of the signature page to the IPE.
7. Provide the individual with a copy of the completed and approved IPE in their preferred format.

### Status 18 – Individualized Plan for Employment (IPE)

During Status 18 the approved IPE is implemented, and services needed to prepare for employment are provided.

### When to Move Into Status 18

An individual enters Status 18 when the IPE is signed, and services are initiated.

### When to Move Out of Status 18

An individual leaves Status 18 when

1. services have been completed and the individual is ready for employment (Status 20) or the individual is employed (Status 22),
2. services have been interrupted due to a medical or other issue (Status 24), or
3. services are terminated, and the individual's case is being closed (Status 28).

If implementation of the IPE is interrupted, the case can remain in Status 18 if the interruption is expected to be short. If the interruption is expected to be long, the case should move to Status 24 until services can resume.

### Procedure for Leaving Status 18

1. When moving an individual's case from Status 18 to Status 20 enter a case note in the case record, select "VR – Status Change" in the description field and complete the appropriate sections of the case note including describing the individual's progress and readiness for employment.
2. When moving a case from Status 18 to Status 22, complete the Placement Information form.
3. When moving a case from Status 18 to Status 28, complete the Unsuccessful VR Closure Information form.

### Status 20 – Ready for Employment

Status 20 is used to denote that a participant is no longer in need of services to obtain employment.

### When to Move Into Status 20

A participant enters Status 20 when they have completed preparation for employment, including job seeking skills training, resume preparation, and any other services needed to assist with finding a job and is ready to accept a job but has not yet obtained employment or when a participant has secured employment but has not yet begun working.

### When to Move Out of Status 20

A participant leaves Status 20 when

1. employment begins (Status 22),
2. there is an interruption in the participant's ability to seek employment (Status 24),  
or
3. the participant is no longer able to pursue employment and their case is closed (Status 28).

### Procedure

Follow this procedure for entering Status 20:

1. Enter a case note in the case record, select "VR – Status Change" in the description field and complete the appropriate sections of the case note including describing the participant's progress and readiness for employment.
2. Proceed with job search activities.

### Status 22 – In Employment

Status 22 is used when a participant begins employment in a job associated with their IPE goal. Follow-up with the participant and the employer (as appropriate) takes place while the participant is in Status 22 to address any issues that may arise as a new employee. Follow-up must take place for a minimum of 90 days prior to closing the individual's case in Status 26.

### When to Move Into Status 22

A participant enters Status 22 when they have started a job and all planned VR services have been completed. In some situations, certain services such purchasing assistive technology may continue to be provided during Status 22.

### When to Move Out of Status 22

An individual leaves Status 22 when

1. they are satisfactorily and continuously employed for at least 90 days and meet the criteria for closure (Status 26),
2. closure as not rehabilitated is indicated due to a change in the participant's circumstances (Status 28), or
3. the employment is not maintained, and additional training is required (Status 18); or the participant begins a new job search (Status 20).

### Procedure

Follow this procedure for entering Status 22:

1. Complete the Placement Information Form.
2. Follow-up with the participant and the employer if appropriate to determine
  - a. if the participant is meeting the performance standards of the job;
  - b. the employee's satisfaction with the placement and, if appropriate, the employer's (or supervisor's) satisfaction with the employee; and
  - c. any issue(s) which may have arisen and the possible need for post-employment services.

### Status 26 – Closed Rehabilitated

Status 26 represents the participants achievement of competitive integrated employment in accordance with their IPE.

### Basic Criteria

An individual is determined to have achieved competitive integrated employment if the following four conditions are met:

1. The services provided under the individual's IPE have contributed to the achievement of the employment.
2. The employment is consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
3. The participant has maintained the employment for at least 90 days.
4. The participant, the employer and the VR counselor consider the employment to be satisfactory and agree that the participant is performing well on the job.

### When to Enter Status 26

A participant enters Status 26 when the criteria listed above have been met.

### Definitions of Employment Outcome and Competitive Integrated Employment

Federal VR regulations define an employment outcome as: entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Federal VR regulations define competitive integrated employment as work that

- a. is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that
  - is not less than the rate required under the applicable state or local minimum wage law for the place of employment;
  - is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
  - in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
  - is eligible for the level of benefits provided to other employees.

- b. is at a location that is
  - typically found in the community, and
  - where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons, and
- c. presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

### Procedure

Follow this procedure for entering Status 26:

1. Document that the participant has achieved an employment outcome consistent with their IPE and that they have maintained satisfactory employment for at least 90 days and no longer needs VR services.
2. Document any need for post-employment services and that the participant has been notified of the availability of post-employment services.
3. Document that prior to case closure, the reason for the decision, the appeals process and the availability of assistance from the Client Assistance Program (CAP) was discussed with the participant.
4. Complete the VR Successful Information form. Dating the form will trigger an email to the VR counselor's supervisor notifying them of the need to review and approve the closure.
5. Send the VR Successful Closure letter along with the participant's rights to the participant in their preferred format. This letter automatically launches in CIS when the closure is approved. VR counselors can edit the letter as needed. Where appropriate, notice should be provided to the participant's parent, guardian or other representative.
6. For individuals who are in the Business Enterprise Program, notify the business services supervisor of the case closure.

### Status 28 – Closed, Other Reasons After IPE Initiated

A participant's case is closed in Status 28 if they have been determined eligible for services, have an approved IPE, have received at least one service identified on the IPE and for some reason is unable to achieve competitive integrated employment or is no longer eligible to receive VR services.

Movement into Status 28 can occur only from Statuses 18, 20 or 22.

### Status 30 – Closed, Other Reasons Before IPE Initiated

An individual closed in Status 30 has been determined eligible for VR services but is unable to achieve the vocational goal and has not received any planned VR services.

Movement into Status 30 can occur only from Status 10.

### Procedure for Statuses 28 or 30

1. When the VR counselor has been unable to contact the participant, they will
  - a. keep the participant's case open for 60 days,
  - b. document efforts to contact the participant in the case record, and
  - c. if case closure is appropriate, send the VR Unsuccessful Closure letter and Rights Regarding Case Closure and Information Regarding Appealing NYSCB Decisions to the participant in their preferred format or to their representative, if appropriate.

The VR counselor can also attempt to contact the participant's representative, if appropriate, to encourage participation.

2. When the participant declines further services do the following:
  - a. Document the reason in the case record.
  - b. Send the VR Unsuccessful Closure letter and Rights Regarding Case Closure and Information Regarding Appealing NYSCB Decisions to the participant in their preferred format or to their representative, if appropriate.
  - c. Provide information about services that may meet the participant's needs when appropriate.

3. If it has been determined that the participant no longer meets the criteria for eligibility, do the following:
  - a. Discuss the proposed determination with the senior counselor.
  - b. If the senior counselor concurs with the proposed determination, consult with the participant or their representative before making a final determination.
  - c. If a final determination of ineligibility is made, send the VR Unsuccessful Closure letter and Rights Regarding Case Closure and Information Regarding Appealing NYSCB Decisions to the participant in their preferred format or to their representative, if appropriate.
  - d. If the ineligibility decision is due to the participant choosing not to continue to pursue or no longer being able to pursue an employment outcome, refer the participant to other workforce system programs that can address their training or employment needs or to other federal, state and local programs that may be able to meet their needs.
  - e. If the ineligibility determination is based on a finding that the participant is unable to achieve an employment outcome, schedule a review of the determination to be held within 12 months of the ineligibility decision. The review must be held annually thereafter if requested by the participant or their representative. The review does not need to be conducted if the participant refuses the review, is no longer present in the state, is unable to be located or has a rapidly progressive or terminal medical condition.
4. Prepare a case note that describes the reason for the closure decision. Enter the status change and additional relevant documentation into the case record.
5. Provide the participant or, as appropriate, their representative, with information regarding other services which may meet their needs.

### Status 32 – Post-Employment Services

Status 32 is used when a participant who has successfully achieved an employment outcome needs post-employment services to retain, regain or advance in employment. Post-employment services should not entail a complex and comprehensive rehabilitation effort (e.g., a new employment goal or a substantial rehabilitation needs which would necessitate reopening the individual's case.)

Post-employment services can be used to enable an individual to advance in employment when the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests, if the above criteria are met.

See Chapter 13.00, Post-Employment Services, for additional guidance.

### When to Move Into Status 32

A participant enters Status 32 when the following criteria have been met:

1. The participant has achieved an employment outcome
2. Post-employment services are necessary for to retain, regain or advance in employment, consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities and interests and,
3. The services to address the participant's rehabilitation needs are limited in scope and duration

### When to Move Out of Status 32

A participant leaves Status 32 when

1. the rehabilitation objectives established during PES have been achieved and the participant has retained, regained or advanced in employment (Status 34);
2. the scope and duration of services to address the rehabilitation needs are such that a new rehabilitation effort should be considered starting with a redetermination of eligibility given current circumstances (Status 36); or
3. the condition or situation becomes such that PES cannot enable the participant to retain, regain or advance in employment (Status 40).

### Procedure

Follow this procedure for cases in Status 32:

1. Move the participant's case into Status 32 using a case note (must enter VR - Status Change in the description field).

## THE VOCATIONAL REHABILITATION PROCESS

2.00.20

2. Open the most recent IPE in the participant's case record, change the plan type to "Post-Employment Services" and select the objectives and services you want to retain.
3. When a service contingent on economic need is planned, complete a new Economic Status Report.
4. Enter a case note that explains the reasons for post-employment services, the status change and any additional relevant information into the case record.
5. Provide a copy of the updated IPE to the participant in their preferred format.

### Status 34 – PES Completed – Employment Maintained

A case is closed in Status 34 when the post-employment services provided under an IPE have resulted in the participant retaining, regaining or advancing in employment.

#### When to Move Into Status 34

A participant should enter Status 34 when

1. services which were identified in the IPE for PES were completed, and
2. the participant retains, regains or advances in employment.

### Status 36 – PES Discontinued - Case Reopened

A case is closed in Status 36 when the planned post-employment services were not successful, and the participant's case was reopened.

#### When to Move Into Status 36

A participant enters Status 36 when

1. the planned post-employment services were not sufficient to enable the participant to retain, regain or advance in employment, and
2. a determination is made that a comprehensive rehabilitation effort unrelated to the original IPE may be indicated (reopen in Status 02).

### Status 40 - PES Discontinued - Other Reasons

A participant's case is closed in Status 40 when the planned post-employment services are not successful and are discontinued due to other reasons (e.g., death; unavailable due to movement out of state; services are not feasible or no longer desired).

### Procedure

Follow this procedure for cases in Statuses 34, 36, and 40:

1. Enter the reasons for the closure in a case note.
2. Move the participant's case into the appropriate closure status using a case note (must enter VR - Status Change in the description field).
3. Send a closure letter to the participant in their preferred format, or to their representative, as appropriate. The letter should include reasons for closure, the outcome of the post-employment services, information regarding the right to appeal, the availability of CAP and notification of the availability of additional post-employment services, if needed (Status 34 closures only).
4. Where appropriate, initiate action to reopen the individual's case in Status 02 (Status 36 closures only).
5. Where appropriate, provide the individual or, as appropriate, the individual's representative, with information regarding other services which may meet his/her needs.

### Introduction

Participants should be reassigned to a different VR counselor or district office when a transfer is in the best interest of the participant. The transfer will be done with the informed choice of the participant, and in accordance with the following policy and procedure. Generally, participants are served by a District Office, and subsequently a particular VR counselor, based upon the participant's address and the assignment of that city or county to a specific district office.

### When to Transfer a Participant's Case

A case should be transferred to a different VR counselor when the VR counselor currently working with the participant permanently leaves NYSCB.

Case transfer can be considered when the current VR counselor is on leave for an extended period of time or when the participant requests a transfer.

An interoffice transfer should occur when a transfer is in the best interest of the participant as determined by a review by the senior counselors or district managers involved and with the informed choice of the participant.

### VR Counselor Responsibilities

The VR counselor originally responsible for services to the participant is responsible for assuring that the case record and all authorizations are up-to-date.

### Senior Counselor or District Manager Responsibilities

The senior counselor is responsible for making the decision to transfer a participant's case and for

1. reviewing the case record,
2. updating the demographic form in CIS, and
3. notifying the receiving senior counselor or district manager of the transfer.

### Receiving Staff Responsibilities

The receiving staff should review the case record and request any additional needed information from the transferring office prior to assigning to a new VR counselor.

### When to Transfer a Case Out of State

When a participant indicates they are moving to another state and wants to apply to the VR agency in their new state, the VR counselor should determine whether a full transfer or shared case is appropriate. The VR counselor should review the existing IPE to determine what services NYSCB can provide while the participant develops an IPE with the receiving agency. In situations where NYSCB services are almost complete and the participant expects to obtain employment in a short amount of time, maintaining an open case with NYSCB may be appropriate. If the participant is transferring early in their VR process, closing the case once a new IPE is developed in the new state may be advisable.

### Transfer Procedures

The VR counselor should follow these procedures when transferring a participant's case record:

1. Shortly before the participant is scheduled to move and after receiving a completed Release of Confidential Information, contact the VR agency office nearest to the participant's new residence to jointly plan for the provision of services.
2. Provide the participant with contact information for the VR agency office and recommend that the participant contact the office as soon as possible.
3. Provide the VR agency of the state in which the participant is moving to with copies of information identified in the Release of Confidential Information form. Documents must be sent by receipted mail (e.g., FedEx, UPS, USPS)
4. If NYSCB will continue to provide some services to the participant, coordinate the provision of those services with the other state VR agency.

Note: Under certain circumstances, participants can have open cases in more than one state however, NYSCB cannot duplicate services provided by the other state VR agency and any services provided by NYSCB must be on the NYSCB IPE and be provided in accordance with NYSCB policy, procedures and rates.

5. If NYSCB will not be providing services, close the participant's case when
  - a. you have confirmed that the information from the participant's case record was received by the state agency to which the participant was referred,

- b. the participant is receiving services in the new state of residence, and
- c. NYSCB involvement is no longer needed.

Closure can also occur when the participant does not contact the VR agency in their new state of residence after reasonable effort on the part of the VR counselor to encourage the participant to make contact.

### RSA 911 Reporting Requirements

When a participant is receiving services from two state VR agencies, both agencies are responsible for including the participant in their RSA 911 reports. If the participant's case is closed, both agencies should report the case closure.

### Receiving a Transfer from Another State Agency

When another state agency initiates the transfer of an individual to NYSCB, the VR counselor or senior counselor should work with the originating agency to facilitate a smooth transition for the individual.

### Requesting Records

For all individuals transferring from another state VR agency, the VR counselor should contact the originating agency to obtain relevant information from the individual's case record.

### Eligibility and Providing Services for Individuals Transferring from Another State VR Agency

Individuals transferring from another state VR agency must meet NYSCB eligibility criteria. If the VR counselor agrees that the individual's existing IPE is feasible, services can be provided to facilitate completion of that IPE in accordance with NYSCB policies and procedures.

If the individual is employed at the time of transfer, the VR counselor should work with the originating agency to provide post-employment services. If that is not feasible, the VR counselor should determine whether the individual is eligible to receive services and open a new case.

### Introduction

Assessments and evaluations are conducted throughout the VR process. Assessments and evaluations in Status 02 are used to determine eligibility for VR services. Once eligibility is determined, additional assessments and evaluations may be needed to determine an employment goal and services to achieve the goal. If needed, assessments and evaluations can also be provided after an IPE has been developed.

Assessments and evaluations should be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice.

This chapter provides information regarding the different types of assessments and evaluations that can be provided during the VR process.

### Assessments and Evaluations to Determine Eligibility for VR Services

The assessment to determine eligibility for services is based primarily on a review of current existing information. Sources of such information can include

1. existing medical information provided by doctors, hospitals, clinics and referral sources, including the Confidential Health Assessment, eye examinations and other medical exams, and
2. VR counselor observations, education records, information provided by the individual or the individual's family, information used by the Social Security Administration, education officials and determinations made by officials of other agencies.

If additional medical information is needed to determine eligibility, the VR counselor should ask the medical provider to address specific issues that may affect the individual's functional ability to work or participate in VR services.

An individual who has a disability, as determined by the Social Security Administration is presumed eligible for VR services and would typically not need to have further assessments or evaluations completed to determine eligibility. An exception to presumed eligibility would be an individual who has had several prior unsuccessful outcomes with NYSCB.

For individuals who have had prior unsuccessful outcomes with NYSCB, the assessment should include an exploration of whether there have been changes in the applicant's circumstances that will contribute to a successful outcome.

### Additional Information

For additional information about assessments and obtaining medical information during applicant status see Chapter 2.00, The Vocational Rehabilitation Process, Status 02.

### Assessment and Evaluations to Determine VR Services Needed to Achieve an Employment Outcome

Existing information from other programs and service providers, education records, the Social Security Administration, the eligible individual and their family and information used to determine eligibility should be used to prepare the IPE. If that information is not sufficient to develop an IPE, an evaluation of the eligible individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, including the need for supported employment is conducted to obtain information to develop an IPE. These assessments and evaluations take place after an individual has been determined eligible for VR services. The VR Needs Determination form is used to document the necessary assessments and evaluations.

Evaluations to determine an individual's functional capacities, adaptive living and communication skills (e.g., rehabilitation teaching), orientation and mobility skills, employment barriers, vocational interests, interpersonal skills, cognitive skills and work behavior can be provided.

### Assessments and Evaluations Provided After an IPE Has Been Developed

After an individual has been determined eligible, it may become necessary to provide additional assessments and evaluations. These assessments and evaluations may be provided at any time during the VR process.

### Comparable Benefits

Assessments and evaluations to determine eligibility and to develop an IPE are provided without consideration of available comparable benefits. However, Medicaid benefits and other benefits known to be available must be used in accordance with established policies and procedures. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Economic Need

Assessment and evaluations provided to determine eligibility and to develop an IPE are provided without consideration of the eligible individual's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Obtaining Medical Information

Medical information such as an eye exam, specialist exam, audiological exam, otological exam, psychological evaluation may be obtained when needed to determine eligibility or to determine an appropriate vocational goal and the services needed to achieve that goal or when needed to address medical issues that arise during the provision of VR services.

A VR counselor may obtain a current eye exam when an individual has not had ongoing eye care and a new exam may contribute to preservation of residual vision.

### Requests for Medical Information

Requests for medical information should include specific questions about the individual's functioning such as diagnosis, prognosis, functional limitation(s), and recommendations related to treatment or employment. These questions should be addressed by the service provider in a report sent to the VR counselor.

### Selecting a Medical Provider

When NYSCB is paying for a medical service for an individual who is applying for or receiving services from NYSCB, the practitioner must be

1. appropriately licensed or approved by the State of New York,
2. willing and able to comply with NYSCB reporting requirements,
3. willing and able to deliver services in accordance with an individual's VR needs and their IPE, and
4. willing to accept fees for services as established by New York State as full payment for services.

VR counselors should not influence an individual's choice of medical provider. If a recommendation for a provider of a medical service is requested, the VR counselor should provide the individual with a representative list of several appropriate practitioners from which the individual may make a selection.

### Medical Fee Exception

An exception to the established medical fee may be made only if the medical service is not available from a practitioner who will accept the established fee. Prior approval of the exception must be obtained from Senior Management. The district manager should submit the request to Senior Management and include supporting justification.

### Low Vision Exam

When indicated on the eye examination report or when deemed necessary by the VR counselor, a Low Vision Exam should be obtained from an appropriate eye specialist.

### Types of Eye Specialists

An ophthalmologist is a Doctor of Medicine (MD) who specializes in the diagnosis and treatment of eye diseases. An ophthalmologist can perform ophthalmic surgery when necessary and can prescribe glasses, contact lenses and low vision aids.

An optometrist is a Doctor of Optometry (OD) who is trained to examine the eyes and determine vision abnormalities and, in some cases, can detect eye diseases and make referrals to an ophthalmologist when appropriate. An optometrist prescribes glasses, contact lenses, low vision aids and provides consultation on other visual aids (equipment) and appliances.

### Supplemental Medical Examinations

The purpose of supplemental medical examinations during the VR process is to gain information about an individual's functional capabilities or treatment needs which may impact the applicant's eligibility, rehabilitation needs, employment goal and plan for services.

Supplemental medical exams can include an examination by an endocrinologist for an applicant with diabetes, or an examination by a neurologist for an individual with a known or suspected seizure disorder.

If existing medical reports are not available or are inadequate based on the VR counselor's judgement or supervisory/medical consultation, the VR counselor should obtain a new examination.

### Otological or Audiological Examinations

The purpose of the otological or audiological examination is to evaluate an individual's hearing and provide information for further planning. If a hearing loss is indicated on the Confidential Health Assessment or other medical reports or if the VR counselor suspects hearing loss, a comprehensive hearing evaluation should be obtained.

### Provision of Audiological Aids

NYSCB may provide audiological aids for individuals who require the aid to participate in VR services and function in employment. The provision of audiological aids is contingent upon the individual's economic need status unless the individual meets the definition of deaf-blind and is identified as deaf-blind on the VR Intake form/VR Eligibility Determination Worksheet. See Chapter 8.00, Services for Individuals who are Deaf-Blind, for additional information.

### Psychological Evaluations

A psychological evaluation may be obtained to assess an individual's behavior, personality and cognitive abilities to gather information for determining eligibility, assessing rehabilitation needs and developing and implementing an IPE.

A psychological evaluation is a process of testing that uses a combination of techniques to better understand an individual's behavior, personality and capabilities. Psychological testing is performed by a licensed psychologist.

Existing psychological evaluations may suffice if reasonably current and can be obtained, from schools, clinics, community agencies, public and private organizations, and certified or licensed psychologists.

### Psychiatric Evaluation

A psychiatric evaluation may be obtained to diagnose emotional, behavioral, or developmental disorders when an individual experiences or reports problems that interfere with participating in rehabilitation services and/or employment. Information from a psychiatric evaluation can be used to gather information for determining eligibility, assessing rehabilitation needs and developing and implementing an IPE.

The psychiatrist will request a description of behaviors and symptoms and how these effect work performance, school performance, relationships and interactions with others. The psychiatric interview will include a discussion of personal and family history of emotional, behavioral, or developmental disorders. A psychiatrist may ask for educational assessments and speech and language assessments.

### Assessments to Evaluate Substance Use

Diagnosis of substance use or a history of substance use does not preclude eligibility for VR services, however assessments to evaluate the impact of the substance use may need to be conducted as part of the eligibility process. This applies to individuals who are applying for services for the first time as well as individuals who have previously received services from NYSCB.

The assessment can include obtaining reports from health care providers and from the individual regarding sobriety information and the individual's ability to engage in the VR process and in employment. The assessment should also address the following factors:

1. Does the individual acknowledge their substance use and actively participate in treatment?
2. Length of time the individual has not engaged in substance use
3. Medical issues that may impact participation in services and employment

If the individual is determined eligible for services, further assessments may be needed if substance use interferes with participation in services or employment at any time during the VR process.

### Neurological Evaluation

A neurological evaluation may be obtained if the individual has a neurological disorder such as Parkinson's disease, stroke or epilepsy to gather information for determining eligibility, assessing rehabilitation needs and developing and implementing the IPE.

A neurological evaluation assesses any abnormalities of the brain, spinal cord, and the nerves that connect these areas to other parts of the body that can cause problems with daily functioning. This includes an examination of an individual's speech, awareness of environment, motor function and balance (walking ability, muscle strength, and tone), sensation, reflexes and coordination,

### Neuropsychological Evaluation

A neuropsychological evaluation may be obtained if the individual has a history of traumatic brain injury or learning disability to gather information for determining eligibility, assessing rehabilitation needs and developing and implementing the IPE.

A neuropsychological evaluation is an assessment of how one's brain functions, which provides information about the structural and functional integrity of the brain. The neuropsychological evaluation involves an interview and the administration of tests. Neuropsychological tests are standardized tools which evaluate functioning in a number of areas including: intelligence, executive functions (such as planning, abstraction, conceptualization), attention, memory, language, perception, sensorimotor functions, motivation, mood state and emotion, quality of life, and personality styles.

### Economic Need

The provision of medical assessment services is **not** contingent upon an individual's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Non-Medical Assessments and Evaluations

Non-medical assessments and evaluations may be needed to determine an individual's eligibility for VR services, to develop an IPE and/or during implementation of the IPE. Examples of non-medical assessments are vocational assessments, academic achievement or educational assessments, rehabilitation engineering or technology evaluations.

See the Comprehensive Services Contract (CSC) Guidelines for further information about the Vocational Training Baseline and Academic Instruction Baseline services. See Section 9.04, Assistive Technology for further information about Rehabilitation Engineering and Assistive Technology Assessments.

### Use of Other Assessment Information

Other assessments should provide sufficient information to allow the participant and the VR counselor to gain a greater understanding of the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and needs (including the need for supported employment). Assessments should be conducted in the most integrated setting possible, consistent with the informed choice of the individual.

## DETERMINATION OF ELIGIBILITY-OVERVIEW

4.00.01

### Introduction

The eligibility process identifies those individuals who are legally blind that can be served through the VR program.

### Determination of Eligibility

An individual is eligible for VR services if the following two criteria are met:

**Criterion I:** The individual has a disability, defined as any individual who has a physical or mental impairment (which must include legal blindness) that results in a substantial impediment to employment; and who can benefit in terms of an employment outcome from VR services.

**Criterion II:** The individual requires VR services to prepare for, secure, retain, advance in or regain employment.

### Presumption of Eligibility

An individual who has a disability, as determined by the Social Security Administration, is presumed to be eligible for VR services, provided that the individual intends to achieve an employment outcome consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These individuals will be determined eligible unless there is clear and convincing evidence that the individual cannot achieve employment due to the severity of their disability.

If an applicant meets the criteria for presumed eligibility, documentation to support the determination must be included in the case record.

### Prohibited Factors

In considering the eligibility of an applicant, eligibility requirements must be applied without regard to the following:

1. Age, sex, race, color or national origin of the applicant
2. Type of expected employment outcome

## **DETERMINATION OF ELIGIBILITY-OVERVIEW**

4.00.02

3. Source of referral
4. Service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family
5. Applicant's employment history or current employment status
6. Applicant's educational status or current educational credential

While there is no duration of residency requirement or requirement to provide documentation of presence in the state the applicant must be present in the state to participate in VR services and achieve a vocational goal.

### Who Determines Eligibility

The VR counselor is responsible for determining an individual's eligibility or ineligibility for VR services, including the need for trial work. This responsibility cannot be delegated.

### Assessment for Determining Eligibility

The VR counselor should use existing information to assess eligibility or the need for trial work. This may include information from education programs, Social Security, and/or information provided by the individual or from the family of the individual. Only those assessments needed to determine eligibility should be provided at this time.

### Time Frame for Eligibility

An eligibility determination must be made within 60 days from the date that an application is received by NYSCB unless: the individual agrees that an extension is warranted because of unforeseen circumstances beyond the control of NYSCB, or a trial work period is needed.

The agreement between the applicant and the VR counselor to extend the time frame for eligibility must be documented by completing the VR Extension of Eligibility Determination Form in the applicant's case record and documented in a case note. When an extension is necessary, a new agreed upon time frame for determining eligibility must be entered in the VR Extension of Eligibility Determination form.

### Economic Need

Services necessary to determine eligibility are provided without regard to economic

## **DETERMINATION OF ELIGIBILITY-OVERVIEW**

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need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Contents of this Chapter

This chapter includes the following sections:

1. Determination of Eligibility - Overview
2. Eligibility for VR Services
3. Trial Work
4. Ineligibility for VR Services
5. Review of the Ineligibility Decision
6. Documentation of Eligibility

## **ELIGIBILITY FOR VR SERVICES**

4.01.01

### Statement of Criterion I

The individual has a disability, defined as a physical or mental impairment (which must include legal blindness) that results in a substantial impediment to employment; and can benefit in terms of an employment outcome from VR services.

### Definition of Legal Blindness

Legal blindness is a visual acuity of 20/200 or less in the better eye with best correction, or a visual field of no greater than 20 degrees in the better eye.

Additionally, an individual that functions at the definition of legal blindness due to a vision condition such as cortical visual impairment may also be eligible for services. If acuity testing is impossible or unreliable based on medical opinion and the functional vision meets the definition of legal blindness, documentation must be provided by medical professionals to support an eligibility determination.

### Primary Disability

For applicants with multiple disabilities, the primary disability is generally considered to be the disability which presents the most severe impediment. For NYSCB, legal blindness is considered to be the primary disability even in situations where another disability may result in greater impediments to independent functioning. NYSCB has primary responsibility for providing services to individuals who are legally blind and eligible for VR services regardless of other documented secondary disability.

For individuals who are legally blind and deaf, deaf-blindness must be entered as the primary disability on the Eligibility Determination Worksheet and VR Intake form. For individuals who are legally blind and severely hearing-impaired, blindness is their primary disability and deaf-blindness is their secondary disability, even if other disabilities are present.

### Referral to NYS Adult Career and Continuing Education Services – VR (ACCES-VR)

NYSCB provides services to individuals with multiple disabilities, when the primary disability is legal blindness. Individuals with a primary disability other than legal blindness should be referred to the local ACCES-VR District Office.

## **ELIGIBILITY FOR VR SERVICES**

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### Job Save Services for Individuals Not Currently Legally Blind

In accordance with an agreement with ACCES-VR, NYSCB can provide Job Save Services to an individual who is not yet legally blind if the following four criteria are met:

1. The individual has a severe visual impairment (20/70 in the best eye with correction or field restrictions of 40/21 degrees) that is progressive (as documented by an ophthalmologist or optometrist)
2. The individual has a prognosis of becoming legally blind within one year as determined by an ophthalmologist or optometrist
3. The individual is currently employed and at risk of losing their job due to difficulties related to their visual impairment
4. The individual is not currently receiving services from ACCES-VR, has not previously received services from ACCES-VR and is not applying for services from ACCES-VR.

### Substantial Impediment to Employment

Substantial impediments to employment exist when functional limitations associated with legal blindness and/or another disability(ies) prevent an individual from preparing for, securing, retaining, advancing in or regaining employment consistent with the individual's abilities, capabilities and interests.

### Factors Contributing to an Impediment to Employment

Certain medical, psychological, vocational, educational, cultural and social factors can combine with legal blindness to create an impediment to employment. Examples of such factors include lack of marketable skills; limited educational level; community attitudes concerning legal blindness; long-term unemployment or limited work experience; socio-economic circumstances; lack of independent living skills; and the individual's attitudes toward work, family, and community.

### Exception to Substantial Impediment to Employment - Business Enterprise Program

Under the Rehabilitation Act, members of the Business Enterprise Program may be considered eligible for further education and additional training or retraining for improved work opportunities within the program even though they may not have a substantial impediment to their current employment.

### Secondary Disability

A disability which may be either associated with or unrelated to the visual condition is considered a secondary disability. Examples may include diabetes; intellectual or developmental disability; deafness; orthopedic impairment; and epilepsy.

Information on secondary disabilities should be obtained during the intake process.

### Presumption of Benefit

For the purposes of determining eligibility, it is presumed that an individual can benefit in terms of an employment outcome from VR services. To determine that an individual is incapable of benefitting from VR services in terms of an employment outcome, a counselor must demonstrate with clear and convincing evidence that no employment outcome is possible, including supported employment, even with the provision of VR services.

### Clear and Convincing Evidence

To meet the standard of "clear and convincing" evidence, the VR counselor must have evidence that demonstrates with a high degree of certainty that an individual is incapable of benefiting from services in terms of an employment outcome.

Clear and convincing evidence may include a description of assessments, including situational assessments during trial work, supported employment assessments where the service provider has concluded that they would be unable to meet the individual's needs due to severity of disability. The demonstration of clear and convincing evidence must include, if appropriate: a functional assessment of skill development activities with any necessary supports (including assistive technology) in real life settings. Medical examinations and intelligence or psychometric tests alone would not constitute evidence for a determination of ineligibility.

### Conditions that May Affect Ability to Benefit

The presence of a rapidly progressive or terminal illness may affect an individual's ability to benefit or participate in VR services. In such situations, the VR counselor should obtain medical information to better determine the applicant's anticipated ability to work.

Verification of Legal Blindness

Any information that verifies that an individual is legally blind is acceptable for determining eligibility, including: validation that a person is on the Eye Registry; the Mandatory Eye Report, the Medical Eye Report or a narrative letter from an ophthalmologist or optometrist; and existing information from sources such as schools, the Social Security Administration, low vision clinics or community health clinics.

Determining Eligibility Based on Immigration Status

In certain circumstances, individuals residing in New York State may not be eligible to receive VR services due to their immigration status or if they reside in an institutional setting. The definitions/descriptions below provide general information about immigration statuses. There are many immigration related forms, documents and rules in addition to changes in laws and regulations that cannot be addressed in this Manual. Therefore, when an applicant presents information regarding their immigration status, the district manager will contact OCFS Counsel to assist with determining whether the applicant can receive VR services from NYSCB.

**Definitions/Descriptions**

Immigrant Aliens - Immigrant aliens can be determined eligible for VR services if they have a Permanent Resident Card (I-551) issued by the United States Citizenship and Immigration Services (USCIS) and meet all other criteria for eligibility. A copy of the Permanent Resident Card must be entered into the applicant's case record.

Exception, Randolph-Sheppard - To be a member of the Randolph Sheppard Business Enterprise Program (BEP), an individual must be a citizen of the United States. An immigrant alien interested in becoming a vending stand operator may participate in training toward that goal only if they are expected to take an oath of citizenship within six months.

Non-Immigrant Aliens - Non-immigrant aliens are individuals admitted to the United States for a specific purpose and time-period who are expected to return to their home country upon completion of the specific purpose or time-period. Non-immigrant aliens are usually not permitted to work in the U.S. Examples include visitors for business or pleasure; crew of vessels or aircraft; students pursuing a course of study; representatives to international organizations; ambassadors, public ministers, and career diplomatic or consular officers. Applicants who have a student visa (such as F1 and J1) are admitted to the U.S. for the sole purpose of education with no authority to work except in relation to an academic program and are not eligible for VR services.

## ELIGIBILITY FOR VR SERVICES

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Illegal Aliens (Undocumented Residents): - Individuals present in the U.S. without legal status are not eligible for VR services. Individuals applying for legal status may possess a Temporary Residence Card (I-688).

Individuals Residing in Institutional Settings - Any individual who resides in an institutional setting such as a nursing home, prison or a developmental center must be within six months of release to meet the eligibility criteria of being able to benefit from services. VR services cannot be provided if the applicant is not within six months of release.

### **Exception for Individuals Residing in Institutional Settings:**

Individuals residing in a nursing home, a prison or a developmental disability residence or program may be eligible for VR services if they have the opportunity to work in the community while continuing to reside in the institutional setting.

Examples: a nursing home resident whose medical status would allow for community employment; a prisoner participating in a work release program; or an individual with developmental disabilities who can participate in supported employment.

The VR counselor, in consultation with the senior counselor, will determine when an exception is appropriate.

### Pre-Employment Transition Services for Potentially Eligible Students

Students between the ages of 14 and 21 (up to the 22<sup>nd</sup> birthday) can receive Pre-ETS services without a determination of eligibility. These students are considered potentially eligible. The students are only able to participate in the specific Pre-ETS services (See Section 7.01, Pre-Employment Transition Services.) If additional VR services are necessary, an application for services will need to be completed and eligibility determined.

### Statement of Criterion II

The individual requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment.

### Employment Outcome

The term "employment outcome" means that an individual can enter, advance in or retain full-time or part-time competitive integrated employment, self-employment, or supported employment, that is consistent with their abilities, capabilities, interests, strengths, resources, priorities, concerns and informed choice as supported by an assessment for determining vocational rehabilitation needs.

### When are VR Services Required?

VR services are required when an individual needs the specialized services offered by the VR program to secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. When determining eligibility and the need for VR services, an individual is presumed to have a vocational goal of an employment outcome.

### Assessing the Requirement for VR Services

An individual's need for VR services is assessed by considering the impact VR services will have on reducing the individual's functional limitations as well as the environmental barriers that prevent independent, integrated activities; overcoming the impediments to employment; and, providing opportunities to obtain employment in integrated settings.

The purpose of the assessment is to determine how VR services will support an individual with a disability to prepare for, secure, advance in or retain employment that is consistent with her/his strengths, resources, priorities, concerns, interests, abilities, capabilities and informed choice.

### Advancement in Employment

Applicants who meet eligibility Criterion I and want to advance in employment may be eligible for VR services. If determined eligible for services, any services needed to achieve the advancement in employment can be provided in accordance with an agreed upon IPE. Advancement in employment can include advancement within an individual's current employment or advancement into new employment.

**Factors and Indicators for Advancement in Employment**

There are numerous factors that may assist in determining eligibility for an individual seeking to advance in employment. These include: the current job market conditions, work experience and training of the individual, the individual's current abilities and capabilities, the need for assistive technology and the employer's responsibilities under ADA, the individual's values, goals and interests, if the current job title and site allow for advancement, and other potential personal issues that may impact employment. Other things to consider are whether the applicant will move from part-time to full-time employment, wages, greater job stability, whether the current employment is consistent with the applicant's education and/or training, will the applicant achieve a higher level of employment after participating in further education and/or training, has technology advanced to enable the applicant to obtain a higher level of employment with greater opportunities for salary increases, more responsibility, more advancement opportunities.

**Certification of Eligibility for Vocational Rehabilitation Services**

When the VR counselor determines an individual is eligible for VR services, the decision should be documented on the Eligibility Determination Worksheet and the rationale for the determination should be clearly substantiated in a case note.

When it is determined that an individual is ineligible, the decision must be documented in a case note and the VR Ineligibility Closure letter along with the Rights Regarding Case Closure and Information Regarding Appealing NYSCB Decisions must be sent to the applicant.

### General Information

In accordance with the eligibility criteria for VR services, NYSCB will presume an applicant is able to benefit from VR services if that applicant has a physical or mental impairment (which must include legal blindness) that results in a substantial impediment to employment, unless there is clear and convincing evidence that the applicant cannot benefit from VR services due to the severity of their disability.

When the VR counselor is unable to determine that the applicant can benefit from VR services due to the severity of their disability, the applicant's case will be moved to Status 06. While in Status 06, the applicant will first be given the opportunity to perform in realistic work situations to determine whether there is clear and convincing evidence to support the determination that they are too severely disabled to benefit from VR services. These real work situations are called trial work.

Trial work will be used to explore the applicant's abilities, capabilities and capacity to perform in realistic work situations to determine if the applicant is capable or incapable (due to the severity of their disability) of benefiting from VR services in terms of an employment outcome. The applicant's interests should be considered when arranging trial work to maximize the potential success of the trial work.

Trial work differs from work experiences arranged during VR services in preparation for employment. Unlike in work experiences provided in accordance with an IPE, applicants are not paid to participate in trial work. Trial work is only used while an applicant is in Status 06 and is used solely for determining whether an applicant can benefit from VR services.

### When to Use Trial Work

Trial work must be used before making a determination that the applicant is incapable of benefiting from VR services in terms of an employment outcome due to the severity of their disability. The counselor should discuss the need for trial work with the applicant.

### Trial Work Guidelines

Trial work must be

1. provided in the most integrated setting possible, consistent with the informed choice and the rehabilitation needs of the individual. It can be set up for an individual in a venue used for supported employment, with an employer in a competitive integrated employment setting, with a private agency for the blind, a

generic private not-for-profit or for-profit agency or an independent living center that can provide a realistic work setting. Other possibilities can be explored as well if they meet the criteria in this section; and

2. of sufficient variety and over a sufficient period of time to enable the VR counselor to determine whether there is sufficient evidence to conclude that the individual can benefit from VR services in terms of an employment outcome or there is clear and convincing evidence that the individual is not able to benefit from VR services due to the severity of their disability.

### Trial Work Plan

The Trial Work Plan in CIS will be used to

1. document the questions to be answered during trial work,
2. identify each trial work opportunity set up for the applicant,
3. identify the support services needed by the applicant to participate in the trial work opportunity, and
4. document how and when the applicant's progress will be evaluated.

Only those trial work and support services identified on the Trial Work Plan will be able to be authorized.

### Arranging for and Purchasing Trial Work

Trial work will be arranged and provided using the service "Situational Assessment I: Trial Work". Counselors will work with the Situational Assessment I: Trial Work service provider to identify the most appropriate settings and types of trial work for the applicant.

### What Can/Cannot Be Provided During Trial Work

Assessments and appropriate supports may be provided, in accordance with the policies associated with these assessments and support services, during trial work when necessary to enable the applicant to participate in the trial work opportunity. These assessments and appropriate supports could include the following:

1. Low vision exam and devices
2. Job coaching services
3. Interpreter services
4. Transportation to get to and from the trial work site

5. Limited orientation and mobility
6. Limited vision rehabilitation therapy
7. Social casework services
8. Personal assistance services
9. Audiological aids if the applicant meets the definition in policy for the provision of audiological aids and cannot demonstrate their ability to benefit from VR services without them
10. Assistive technology devices and training, as needed to participate in trial work

In circumstances where assistive technology is needed for the applicant to perform the functions required during a trial work, assistive technology devices may be loaned to the applicant with supervisory approval. Any loaned device(s) must be returned to NYSCB at the end of the trial work opportunity. Hourly assistive technology training may be provided to enable the applicant to use the loaned device.

College and vocational school training and related services, job placement, occupational tools, occupational licenses, vocational training (when not done for assessment purposes), long term training programs, and self-employment services cannot be provided during the trial work period.

#### Documenting the Individual's Progress During Trial Work

As identified in the Trial Work Plan, the VR counselor must periodically assess the applicant's abilities, capabilities and capacity to perform in realistic work situations during each trial work opportunity (situational assessment). The outcome of the VR counselor's assessment should be documented in a case note at the end of each trial work opportunity or during the trial work if necessary. The documentation should note whether additional time is needed to make the determination of eligibility or ineligibility. If additional time is needed, the VR counselor should indicate whether a new trial work opportunity is being planned to gather additional information or if the individual will continue with the current trial work opportunity. The Trial Work Plan must be amended as necessary and should include information about the purpose and goal(s) of the new or continuing trial work. Progress during trial work should be reviewed with the applicant on a regular basis.

The Action Alert PDQ in CIS can assist VR counselors and supervisors with monitoring the length of time an applicant is in Status 06.

#### Exiting Status 06 from Trial Work

As soon as the VR counselor has sufficient information from the trial work

opportunity(s) to determine that an applicant can or cannot benefit from VR services, the applicant should be moved to either Status 10 – Eligible for VR Services or Status 08 – Closed from Referral, Applicant or Trial Work. If the individual has been determined too significantly disabled to benefit from VR services due to the severity of their disability, the case record must contain clear and convincing evidence to support this determination.

### CIS Procedures Related to Trial Work

The following steps should be used to initiate trial work in CIS:

1. Open the VR Eligibility Determination Worksheet.
2. Enter the reason for trial work in the “reason” field.
3. If the applicant will be participating in trial work, enter the “start date of trial work” and open the Trial Work Plan using the “Open TW Plan” button.
4. Complete the Trial Work Plan.
5. Once trial work has ended, enter the date in the “end date of trial work”. You will no longer be able to issue authorizations from the Trial Work plan.
6. When you have made a determination of eligibility/ineligibility, enter a “Y” in the “Presumed Eligible for Services” field if the applicant receives SSI or SSDI or in the “Eligible for Services” field if the applicant does not receive SSI or SSDI and enter the date or enter a “N” in one of these fields and enter the date. If the applicant is not eligible, select the appropriate closure reason in the “reason for closure” field.

If the applicant’s case is being closed, the supervisor will receive an email notification alerting them that they need to review the case and approve the closure. Once this is done, the VR counselor will receive an email notification alerting them that the supervisor has approved the closure.

### Introduction

An individual who applies for NYSCB services may not be eligible for VR services. Likewise, during the time that someone is receiving services during trial work or active VR status, they may be found ineligible for further services.

### Reasons for Ineligibility

There are three reasons why an individual may be found ineligible for VR services.

1. Individual is not legally blind or is found to be no longer legally blind.
2. The individual cannot benefit from VR services in terms of an employment outcome due to severity of their disability (or the impediments resulting from the disability). Clear and convincing evidence must be documented in the case record before an ineligibility determination based on an inability to benefit from VR services due to the severity of disability is made.
3. The individual does not require VR services to achieve employment. For example: a person who is employed and possesses adequate education and training to pursue another career opportunity, might not require VR services to achieve an employment outcome.

### Procedure for Ineligibility Determination

To make an ineligibility determination, the VR counselor will follow this procedure:

1. Review and assess all information regarding the applicant including but not limited to medical and/or psychological information; work and social history; educational and vocational information.
2. If the basis of the ineligibility decision is that the severity of disability precludes the applicant's ability to benefit from services, trial work, using a situational assessment, must be arranged prior to finalizing a decision of ineligibility. See Section 4.02, Trial Work for information on setting up trial work and for additional trial work guidelines.
3. Provide the applicant (and/or their representative) an opportunity for full consultation regarding the decision. The opportunity to discuss their case in person or on the phone should be offered whenever possible. When an

applicant chooses to not meet in person or via phone, notification will be made by mail in the individual's preferred format. The written notification must include the reason(s) for the determination and information about appealing the decision, including information about the availability of the Client Assistance Program (CAP).

4. If the VR counselor's assessment remains unchanged after consultation with the applicant, the VR counselor can proceed with the closing the applicant's case. (See Chapter 2.00, The Vocational Rehabilitation Process.)
5. The applicant should be referred to other workforce system programs that can address the applicant's training or employment needs and to other federal, state or local programs or service providers, including as appropriate, independent living programs. If the applicant has chosen not to pursue or is incapable of achieving competitive integrated employment, refer the applicant to extended employment providers that can meet their needs.

## REVIEW OF THE INELIGIBILITY DECISION

4.04.01

### Introduction

All individuals who have had their cases closed in Statuses 08, 28, or 30 due to ineligibility will have a review of the ineligibility decision within one year of the determination and annually thereafter if requested by the individual or their representative when the ineligibility decision was based on a finding that the individual is incapable of achieving an employment outcome.

### Purpose

The purpose of the review is to reevaluate the determination of ineligibility, consider new information and changes in the individual's situation which may have an impact upon their potential to achieve an employment goal.

### Exceptions to the Requirement for a Review

The review does not need to be conducted when the individual

1. has refused the review,
2. is no longer present in the state,
3. is not able to be located, or
4. has a medical condition that is rapidly progressive or terminal.

### Initiating the Review

Individuals will be informed in writing of the date scheduled for their ineligibility review.

In all situations, the individual must be afforded a clear opportunity for full consultation in the reconsideration of the ineligibility decision. The individual should be invited to present any new information concerning their situation. If an individual reapplies for services on their own, prior to the review date, the reapplication will be considered to take the place of the review.

### Who Does the Review?

Review of ineligibility decisions will be done by the VR counselor or an appropriate staff member designated by the senior counselor.

### Conducting the Review

Individuals will be informed in writing of the date scheduled for their ineligibility review. The individual should be invited to present any new information concerning their situation including their employment status and interest in vocational rehabilitation; and their medical condition, including examination reports and the individual's self-report.

### Exception

At times, an individual who is interested in having their case reviewed may not be available for a face-to-face meeting with the VR counselor. In lieu of the meeting, the VR counselor can review documentation submitted by the individual.

### Purchasing Assessments

Medical assessments or other assessment services can be authorized when such information is necessary to conduct the review.

### Review Outcomes

Review outcomes will be determined using the following guidelines.

1. If during the review no new information is presented to warrant reopening the case, the VR counselor will uphold the ineligibility decision.
2. If during the review new information is presented which could provide the basis for a redetermination of ineligibility the VR counselor will inform the individual that their case can be reopened to explore new information and advise the individual to reapply for VR services.

### Documenting the Review

The content of the review or, where appropriate, the reason(s) for not conducting the review will be documented in a case note.

### Obtaining Information to Document Eligibility

The VR counselor should use existing information to assess eligibility or the need for trial work. This may include information from education programs, the Social Security Administration, and/or information provided by the individual with a disability or from the family of the individual.

If information is not available, or is not adequate for determining eligibility, only those assessments required to determine eligibility will be provided.

### Verifying Legal Blindness

Any information that verifies that an individual is legally blind is acceptable for determining eligibility, including: printed validation that a person is on the Eye Registry; the Mandatory Eye Report, the Medical Eye Report or a narrative letter from an ophthalmologist or optometrist; and any existing information from reliable sources such as schools, the Social Security Administration, low vision clinics or community health clinics.

This information must be entered into the individual's case record.

### Completing the Eligibility Determination Worksheet

The VR counselor will complete the Eligibility Determination Worksheet and provide the rationale for the determination in a case note.

If an applicant receives Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) and requires VR services, complete the "Presumption of Eligibility" section of the Eligibility Determination Worksheet. Documentation to support the presumption of eligibility must be included in the case record.

When it is determined that an individual is ineligible, the decision must be documented on the Eligibility Determination Worksheet and in a case note. In addition, the VR Ineligibility Closure letter, including the applicant's rights to appeal the decision must be sent in the applicant's preferred format.

## **DETERMINATION OF ECONOMIC NEED**

5.00.01

### Introduction

The Economic Need Policy considers the financial need of the participant and their household to determine the extent of their participation in the cost of VR services.

### General Policy

Economic need status will be determined for all participants based on the adjusted gross income of the participant's household as reported to the Internal Revenue Service. This should be discussed with applicants during intake.

### When to Determine Economic Need

The determination of economic need may be completed at any point but must be completed when it is determined that the IPE will include items which are contingent upon economic need. Services contingent on meeting economic need are listed on in Section 5.01, Services Contingent on Economic Need.

### Updating Economic Need

Economic need status will be reviewed and updated

1. annually if a service contingent on economic need continues to be provided, and
2. when there is a change in the participant's circumstances which would affect economic need status.

### Exception to Updating Economic Need

An individual who met the criteria for economic need at the time of application who obtains employment during participation in VR services will not have that new income considered when updating economic need while receiving services prior to case closure.

Applicants for Post-Employment Services are not included in this exception. A new determination of economic need status must be made when providing Post-Employment Services (See Chapter 13.00, Post-Employment Services.)

Participants Who Are Exempt from Economic Need Consideration

NYSCB will provide services to individuals who receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) without consideration of their financial resources. Copies of benefits statements must be provided to NYSCB to verify benefits status.

In addition, individuals over age 66 who receive SSI for aged because it converted from SSI disability are exempt from economic need consideration. This exemption does not apply to individuals receiving SSI-Aged who become legally blind after age 66. Economic need status must be determined for those individuals.

How Economic Need is Determined

Economic need is determined by the VR counselor by comparing the adjusted gross income of the participant's household as reported on the most recent federal tax return with the economic need allowance level appropriate for that participant.

The economic need allowance level is based upon the number of wage earners in the participant's household and household size.

Allowable Income Deductions

Four income adjustments will be applied, as appropriate, to the adjusted gross income. These income adjustments are:

1. non-reimbursed medical and dental expenses,
2. court ordered obligations other than alimony,
3. post-secondary educational expenses of other family members or loans being repaid by the participant for their own post-secondary educational expenses (up to the maximum reimbursement which NYSCB allows for college students), and
4. unusual one-time expenses incurred during the period for which the available resources are calculated that are not within the discretion of the participant or their family such as flood/fire damage not covered by insurance, loss due to theft, necessary replacement of a well. These expenses must be approved by the district manager prior to including them in the economic need calculations.

## DETERMINATION OF ECONOMIC NEED

5.00.03

### Economic Need Allowance

The economic need schedule is as follows:

For one wage earner:

- if the household size is one, the allowance is \$43,000.
- if the household size is two, the allowance is \$57,000.
- if the household size is three, the allowance is \$70,000.
- if the household size is four, the allowance is \$82,000

For two or more wage earners:

- if the household size is two, the allowance is \$65,640.
- if the household size is three, the allowance is \$78,640.
- if the household size is four, the allowance is \$90,640

In households with more than four members, add \$8,640 to the allowance for each additional member.

### Participant's Household

1. Wage Earners: The following individuals, when residing with the participant, are considered members of the participant's household when determining household wage earners:
  - a. participant
  - b. participant's spouse
  - c. participant's parents, stepparents or legal guardians

Resources from non-supporting divorced parents or spouses who have abandoned and are not contributing to the household are not considered in the economic need calculations.

2. Household Size: Household size is determined by the number of individuals listed on the federal tax form or the income calculation form for all wage earners.

### Refusal to Provide Information

If the participant refuses to provide the information necessary to determine economic need, no service contingent on economic need can be authorized. If the participant

## **DETERMINATION OF ECONOMIC NEED**

5.00.04

cannot obtain the information from another member of the household the VR counselor and senior counselor should attempt to persuade the household member to release the information. If the household member still refuses to provide the information, no service requiring economic need determination may be authorized.

### Confidentiality of Information

NYSCB will observe confidentiality of all financial information obtained from the participant and household members.

### Collection of Financial Information

The participant and their household members should be the primary source of information regarding resources. The VR counselor must ask the participant to produce evidence of the resource information (e.g., copies of tax returns, benefits statements, wage statements, etc.) and these must be scanned into the case record. If the participant claims to be independent from family resources, they should be asked to demonstrate emancipation or their means of self-support.

### Economic Status Report

The Economic Status Report in CIS is used to calculate and document a participant's financial information to determine their economic need status. See Section 5.03, Instructions for Completing the Economic Status Report.

### Income Calculation Form

The Income Calculation Form is a financial data collection form. It should be completed by each wage earner who has not filed a federal tax return. Information from the Income Calculation Form should then be entered on the Economic Status Report to determine whether the participant meets economic need.

### Payment for Services Contingent Upon Economic Need

Individuals whose adjusted gross household income falls below their allowance level meet economic need and can obtain services that are contingent upon economic need without having to participate in the cost of those services as long as they continue to meet economic need.

## **DETERMINATION OF ECONOMIC NEED**

5.00.05

Individuals whose adjusted gross household income equals or exceeds their allowable level do not meet economic need and will not receive services contingent upon economic need unless they provide for the costs of such services.

### Comparable Benefits

Where appropriate, comparable benefits must be explored prior to using VR funds for individuals who meet economic need. See Chapter 11.00, Comparable Service and Benefits, for additional information.

### Services that Do and Do Not Require Consideration of Economic Need

There are specific services which are contingent upon economic need. There are also specific services which are not contingent upon economic need. For a complete listing of the services, see Section 5.01, Services Contingent on Economic Need, and Section 5.02, Services Provided Without Regard to Economic Need.

## SERVICES CONTINGENT ON ECONOMIC NEED

5.01.01

The services listed below, if provided, will only be provided to persons who meet economic need. Available comparable benefits must be used prior to using VR funds.

1. Medical restoration and other medical services.

Medical and hospitalization services will be provided only when not covered by Medicaid, Medicare or other public or private medical or hospitalization plans. The deductible portions of Medicare or private insurance coverage may be authorized. Medicaid allowances are considered payment in full and cannot be supplemented.

- a. Medical Services - medical care for acute conditions arising during the course of vocational rehabilitation that can be corrected or substantially improved within 30 days.

Physical restoration services may be provided if directly related to the success or completion of the IPE. Services may include the following:

1. Physician's services
2. Surgery and treatment
3. Hospitalization
4. Prosthetic/Orthotic appliances (including hearing aids)  
**Exception:** Hearing aids are not contingent upon economic need for individuals who meet the NYSCB definition of deaf-blind on the VR Intake form/VR Eligibility Determination Worksheet
5. Nursing or convalescent home care
6. Dental care
7. Psychiatric/psychotherapeutic services (non-assessment)

2. Equipment - including equipment recommended by rehabilitation engineering or technology evaluations (Assistive equipment provided in conjunction with vision rehabilitation therapy and orientation and mobility services is exempt.)
3. Tuition and related fees at colleges and universities
4. Books and supplies
5. Maintenance - (except in support of services which are not contingent upon economic need and assessment services)
  - a. During training programs, including college training
  - b. As a support service when providing medical care for an acute condition arising during the course of VR services, not to exceed 30 days

## SERVICES CONTINGENT ON ECONOMIC NEED

5.01.02

- c. In connection with placement, until the participant receives their first paycheck
  - d. For participants in self-employment, not to exceed 60 days from the time the participant begins employment
- 6. Transportation - (except in support of services which are not contingent upon economic need; assessment services, or to attend an administrative review, mediation or administrative hearing)
- 7. Self-Employment Services (except when these services are provided as part of setting up a participant in the BEP program)
  - a. Purchase of initial stock
  - b. Business-related tools and equipment
  - c. Shelter as defined in Section 12.04, Self-Employment: Initial business license(s)
  - e. Installation and a maximum of three months maintenance of business phone
  - f. Utilities (a maximum of three months)
  - g. Business related insurance (a maximum of one year) such as fire, theft, burglary, and liability
  - h. Rent (a maximum of three months)
  - i. Advertising
  - j. Office supplies (not including office equipment)
  - k. Legal services - legal costs associated with establishing a business enterprise (i.e. closing costs for property transactions, transfer costs, loan closings)
  - l. Accounting services - costs associated with establishing an accounting system and maintenance for a three-month period
- 8. Other goods and services
- 9. Services to family members
- 10. Home modifications

## **SERVICES PROVIDED WITHOUT REGARD TO ECONOMIC NEED**

5.02.01

The services listed below may be provided by NYSCB without considering a person's financial resources. Available comparable benefits must be used prior to using VR funds.

1. Assessment for Determining Eligibility and VR Service Needs
  - a. assessments
  - b. medical examinations
  - c. psychological and psychiatric evaluations
  - d. initial low vision evaluations and low vision follow-ups
  - e. rehabilitation engineering evaluations and consultations
  - f. transportation and/or maintenance when provided in conjunction with an evaluation or other assessment service
  - g. services required for participation in trial work
2. Personal assistance services
3. Vocational counseling, guidance and referral services
4. Social casework services
5. Placement services
6. Training at approved community rehabilitation programs, work study training, on-the-job training, orientation and mobility and vision rehabilitation therapy training
7. Interpreter's services
8. Tutorial services
9. Reader services
10. Transportation services in support of other services which are not contingent upon economic need; assessment services and to attend an administrative review, mediation or administrative hearing.
11. Maintenance services in support of other services which are not contingent upon economic need and assessment services.
12. Low vision aids
13. Adaptive Equipment provided in conjunction with vision rehabilitation therapy and orientation and mobility services.

**SERVICES PROVIDED WITHOUT REGARD TO ECONOMIC NEED**

5.02.02

14.     Audiological aids for individuals who meet the NYSCB definition of deaf-blind on the VR Intake form/VR Eligibility Determination Worksheet.

## **INSTRUCTIONS FOR COMPLETING THE ECONOMIC STATUS REPORT**

5.03.01

### Instructions for Completing the Economic Status Report in CIS

Use the following procedures for completing the Economic Status Report:

#### **If the participant refuses to provide financial information, do the following:**

1. Check the "Refusal to Provide Financial Information" box.
2. Date the form (complete the VR counselor and participant signature fields).
3. Provide a copy of the completed form to the participant.

#### **If the participant is an SSI or SSDI recipient do the following:**

1. Check the SSI/SSDI Disclaimer box.
2. Date the form (complete the VR counselor and participant signature fields).
3. Attach supporting documentation to the form (verification of receipt of SSI or SSDI).
4. Provide a copy of the completed form to the participant.

#### **If the participant provides a completed tax return to enable you to determine their economic need status, do the following:**

1. Enter the adjusted gross income for all members of the participant's household into the appropriate fields.
2. If the participant is a minor and you are entering information from a parent/stepparent or guardian's tax return, select the appropriate person from the pick list in field 1C.
3. Enter the participant's household size, in 1D.
4. Enter any applicable income exclusions, in fields 3A-3D.
5. Verify that the form correctly designates the participant as either meeting economic need or not meeting economic need.
6. Date the form (complete the VR counselor and participant signature fields).
7. Attach supporting documentation (tax return documents) to the form.
8. Provide a copy of the completed form to the participant.

If federal tax returns have not been filed for any household member, complete an Income Calculation form for that individual prior to completing the Economic Status Report form.

## INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

6.00.01

### Description of the IPE

The IPE is a written plan outlining a participant's vocational goal, and the services to be provided to reach the goal. The IPE formalizes the planning process through which the vocational goal, service delivery and time frames for service delivery are determined and provides a plan for monitoring progress toward achievement of the goal. Through the IPE, participants are informed of their rights and responsibilities in the VR process.

Consistent with the intent of the Workforce Opportunity and Employment Act (WIOA) and the federal VR regulations, the IPE must be designed to achieve a specific employment outcome that is selected by the participant consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

The participant's involvement in developing the plan is reflected throughout the IPE. The IPE must be agreed upon and signed by the participant, the VR counselor, and a supervisor.

Information regarding the IPE and options for developing the IPE is included in the VR Handbook and should be discussed with the applicant during the intake process.

### Timeframe for Developing an IPE

1. An IPE will be developed with every individual who is eligible for VR services as soon as possible but no later than 90 days after they have been determined eligible for VR services, unless the VR counselor and participant agree to an extension of that timeframe. If an extension is warranted and agreed upon, a new date for completion must be identified and documented in the case record using the Extension of IPE Implementation Agreement form.
2. IPEs must also be developed for students who are eligible for services, within 90 days after they have been determined eligible for VR services. However, if the student will be leaving the school setting before the 90-day timeframe, the IPE must be developed by the time the student leaves the school setting.

### Developing the IPE

The following general principles must be applied as the IPE is developed.

**Options for Developing the IPE** – There are several options a participant can use

## INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

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when developing an IPE. They can work with their VR counselor to develop their IPE.

They can also request assistance from a relative or friend, an organization or agency that assists people with disabilities, staff at a career center, a teacher or counselor, a representative of the Client Assistance Program or they can develop their IPE on their own. Regardless of how the IPE is developed, it must be reviewed and approved by the NYSCB VR counselor and their supervisor before it is finalized and ready for implementation. When the IPE is developed with the VR counselor, it should be done during a face-to-face meeting. When that is not possible, for example in a job-save situation, the IPE can be developed without a face-to-face meeting. The reason for not having the face-to-face meeting should be documented in the case record.

**Use of Interpreters** - For participants who communicate through sign language, a certified interpreter must be present if the IPE is being developed by the VR counselor and the participant. This procedure should be followed regardless of the VR counselor's signing skills, unless the VR counselor is a VR counselor (Manual Communication). VR counselors in this title are required to demonstrate a level of proficiency in manual sign language which will allow them to perform the job satisfactorily. During the development of the IPE, the VR counselor should stop frequently to check for the participant's understanding and confirm that understanding through the interpreter.

For participants who do not speak English, NYSCB can provide free foreign language interpreting to enable the participant to be fully involved in the development of their IPE. If a participant declines the free OCFS-interpretation assistance during an in-person encounter such as IPE development, the New York State Waiver of Right to Free Interpretation form must be completed.

**Basis for the IPE** - The IPE must be based on an assessment carried out in the most individualized and integrated setting, consistent with the informed choice of the participant.

**Provision of Services** - VR services should be provided in the most integrated setting that is appropriate for the service and consistent with the informed choice of the participant. If the IPE provides for services in a non-integrated setting, a justification to support the non-integrated setting should be documented in the case record.

When developing an IPE for a participant who is already working, the employer's responsibility to provide reasonable accommodations for individuals with disabilities should be considered when determining services/equipment to be provided by NYSCB.

**Informing Participants of Options** - The VR counselor should discuss the various options available to the participant throughout the process of developing the IPE. This enables the participant to make informed decisions about their employment goals, services, service providers and the methods used to provide or procure services. Specifically, participants who receive SSI or SSDI must be provided with general

information on additional supports and assistance (e.g., self-directed savings plans) for individuals with disabilities entering the work force including assistance with benefits planning. See Chapter 11.00, Comparable Service and Benefits, for additional information.

**Annual Review** - The IPE must be reviewed with the participant, or as appropriate, their authorized representative at least annually. Amendments resulting from the annual review may not take effect until agreed to and signed by the participant.

**Accessible Language and Format** - A copy of the IPE and its amendments must be provided to the participant or, as appropriate, their authorized representative. The IPE should be provided in the participant's preferred format (including large print, braille, or email), or to the extent possible, in the native language of the participant or as appropriate, their authorized representative. A copy of the completed signature page should be attached to the IPE.

#### Contents of the IPE

The IPE contains the following:

1. The employment goals
2. Objectives associated with achievement of the goal
3. Participant and VR counselor responsibilities
4. The specific rehabilitation services to be provided
5. The service providers and the process used to provide or procure services
6. The projected dates for initiation of the services and the anticipated duration of each service
7. Criteria to be used to determine progress toward achieving the employment goal
8. The participant's rights and responsibilities including the right to appeal a decision through an administrative review, mediation or administrative hearing
9. A description of the availability of the local Client Assistance Program
10. An assessment of the anticipated need for post-employment services
11. A listing of comparable benefits available to the participant or the participant's

family that may be used to offset the cost of VR services

12. If appropriate, information regarding the participant's need for rehabilitation technology, specific on-the-job services and related personal assistance services
13. Additional requirements apply for participants receiving supported employment services. See Section 12.02, Supported Employment

### Preparing an IPE

Follow this procedure to complete the IPE:

1. Select the IPE from the list of available forms in the case record.
2. Select the appropriate Type of Plan from the pick list.
3. Select the appropriate goal from the pick list comprised of the O\*NET database of job titles

### **Guidance for Selecting an Employment Goal**

When selecting a goal many factors should be considered including but not limited to the following:

- a. Availability of employment
- b. Occupational requirements
- c. Medical factors
- d. The participant's previous work history, interests, abilities and capabilities and willingness to relocate

The selection of the goal should be based on an assessment of VR needs including, where appropriate, situational assessments. See Chapter 3.00, Assessments and Evaluations During the VR Process, for additional information regarding assessing the nature and scope of services.

The employment goal must be based, primarily, on the participant's strengths, resources, priorities, concerns, abilities and capabilities (e.g., primary employment factors). The employment goal also must reflect the participant's interest and informed choice to the extent that those factors are consistent with their strengths, resources, priorities, concerns, abilities and capabilities. Factors such as the local economy or local labor market conditions (e.g., job availability in the community) are external factors that may be considered but cannot alone determine whether the employment goal is appropriate. These considerations apply to employment goals for both participants who are not currently employed and those who are seeking to

## INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

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advance in their present careers.

4. Enter the **objectives, specific services, the service providers, the start and end dates for each service, the participants responsibilities associated with each service, NYSCB's responsibilities and the way the participant's success will be measured.** Vocational Counseling and Guidance provided by NYSCB is preprinted on the IPE form. If Orientation and Mobility and/or Vision Rehabilitation Therapy is to be provided by NYSCB staff, those services should also be entered on the IPE with NYSCB as the provider. For transition students or youth, include the specific transition services and supports needed to achieve the employment outcome. The dates of service, measurement of success and my responsibilities boxes will need to be completed. CIS includes pick lists for the participant and VR counselor responsibilities and for progress evaluation criteria. VR counselors can enter their own text or select from the pick lists.
5. Review **Your Responsibilities** with the participant.
6. Review the **VR counselor Responsibilities** with the participant.
7. Review the **Participant's Rights** regarding confidentiality, the availability of the appeals process and the Client Assistance Program with the participant. Confirmation of this discussion should be documented in a case note in the participant's case record.
8. Review the statement regarding the availability of **Future Services** (post-employment services).
9. Review the **"Signatures" section** and obtain the participant's signature. Explain that the IPE is not finalized until it is approved and signed by the VR counselor's supervisor. If the IPE includes graduate school training and/or a home modification, the VR counselor should explain that the IPE must also be approved and signed by the district manager.
10. **Sign and date** the IPE. This triggers an email notification to the VR counselor's supervisor letting them know an IPE is ready to be signed. When the supervisor signs the IPE an email notification is sent to the VR counselor. The VR counselor can now enter the participant signature date in if the participant has agreed to the IPE.

If changes are recommended by the VR counselor's supervisor, the VR counselor will contact the participant to discuss the changes prior to sending them a copy of the signed IPE as noted in Step 11. See Chapter 6.00, Individualized Plan for Employment (IPE), for additional information.

11. Provide a copy of the signed IPE to the participant in their preferred format.
12. Indicate the date that the IPE was given or sent to the participant and document the format in which it was provided in the case record.
13. Scan and attach the signature page to the participant's IPE in the case record.

### Participant's Signature on the IPE

The Rehabilitation Act specifically states that the IPE is to be jointly agreed upon and signed by the participant (or authorized representative) and the VR counselor. If the participant refuses to sign the IPE and disagrees with the IPE, no viable plan is in effect. The reasons for the refusal should be discussed and documented in a case note. The VR counselor and participant should attempt to resolve the issue(s) and redevelop the IPE.

If the issue(s) cannot be resolved and the participant and VR counselor cannot agree upon an IPE, the VR counselor should advise the participant of the appeals process and of the availability of assistance through the Client Assistance Program (CAP). If no resolution is possible, the VR counselor should advise the participant that their case will be closed.

### Annual IPE Reviews

The IPE can be reviewed as often as determined necessary; however, it must be reviewed at least annually. During the annual review, the participant and the VR counselor review the entire IPE and jointly redevelop the IPE as needed.

The annual review is to be conducted during a face-to-face meeting between the VR counselor and the participant. When this is not possible, the annual review can take place without a face-to-face meeting. The reason for not having a face-to-face meeting must be documented in the case record. If the participant has a representative, the representative should also attend the annual IPE review meeting.

If an unscheduled review of the entire IPE takes place prior to the date of the scheduled annual review, the next annual review can be set for one year from the date the unscheduled review took place.

### Documenting the Annual Review

The annual review of the IPE should be documented in a case note using the description "IPE Annual Review." Doing so will remove the case from the "IPE Annual Review" section of the Next Action PDQ.

If during the annual review there is no longer agreement on an IPE, follow the instructions in the "IPE Amendments" section below.

### IPE Amendments

An IPE is amended if there are substantive changes in the employment outcome, in the VR services to be provided or in the providers of the VR services.

When a participant receiving services under an approved IPE chooses to pursue a different vocational goal, the existing IPE will be reviewed to determine the appropriateness of the services on the IPE. If an amended IPE with a new vocational goal is being developed, the participant's case can remain in Status 18. If there is no agreement on a new goal and services are not continuing, the case should be moved to Status 24 until a new IPE is ready to be developed or the case is ready for closure.

A case note should be entered into the participant's case record documenting the current circumstances, the plans for re-developing the IPE or the reason for moving the case to Status 24. Amended IPEs must be signed by the VR counselor, supervisor and the participant prior to implementation of the changes.

### Introduction

NYSCB works with youth, families and school districts to facilitate the coordination of appropriate transition services for students and youth who are legally blind and transitioning from school to the world of adult responsibilities and work. NYSCB recognizes that these efforts are critical to enable students and youth to achieve maximum success in employment, post-secondary education, independent living, and community participation and is committed to being an active partner in the transition process. Making the transition from school to the adult world requires careful planning and a cooperative effort among families, school staff and community service providers. Planning will help students, youth, their families and school districts design services to maximize the student's years in school to prepare for full inclusion and integration into society, employment, independent living, and economic self-sufficiency. Transition planning is a team process based upon an individual's strengths, preferences, interests and dreams for the future.

The NYSCB VR program serves eligible individuals ages 10 and older by providing an array of services that gives individuals the tools necessary to enable them to make informed decisions about their future goals. The youth and his or her parents work with the VR counselor to set academic and career goals and put a plan in motion to meet those goals. This often includes gaining work experience before graduating from high school, as well as learning self-advocacy and independent living skills that help lead to future success.

Services are provided through the VR program, in accordance with VR policy and procedures.

### Legal Basis/Definitions

Transition services are mandated through two federal laws: The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA).

IDEA is the law providing for the education of students with disabilities. IDEA defines *transition services* as:

*“A coordinated set of activities for a child with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The*

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*coordinated set of activities shall be based upon the individual child's needs, taking into account the child's strengths, preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation."*

The Rehabilitation Act of 1973 prohibits discrimination on the basis of disability and applies to any program that receives federal financial support. The legislation provides a wide range of services for individuals with disabilities.

The Rehabilitation Regulations define *transition* as follows:

*"A coordinated set of activities for a student or youth with a disability, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives and, if appropriate, acquisition of daily living skills and functional vocational evaluation. It will promote or facilitate the achievement of the employment outcome identified in the student's or youth's individualized plan for employment and will include outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability."*

### School Responsibilities in Transition

Schools are required to provide students with disabilities who are eligible for services under IDEA with transition programs and services, including special education and related services, to ensure a free appropriate public education (FAPE) and promote post-school integrated employment, independent living, community integration, and postsecondary education/training.

Students with disabilities who are identified by the Committee on Special Education (CSE) require an Individualized Education Program (IEP). The IEP is a written statement that specifies the special education goals and services that the school must provide to meet the unique needs of a student with a disability.

IDEA requires transition planning to be initiated no later than when the student is 16 years old. In New York State, transition services must be included in a student's IEP beginning with the school year in which the student turns 15, or younger if appropriate. The school district, through its Committee on Special Education, has the legal

responsibility to develop a student's IEP, coordinate transition planning and arrange for transition services.

Students with disabilities who do not have an IEP but require reasonable accommodation while attending school must have a written plan under Section 504 of the Rehabilitation Act of 1973; this is commonly referred to as a 504 plan. School districts are required to provide access to existing programs and services on a basis equal to that provided for students who do not have disabilities. Students in this circumstance may require the development of academic skills, career preparation services, or social skills in preparation for transition to successful adult life. They may need to work with school personnel, NYSCB and other agencies to access appropriate resources, including existing academic and career preparation curricula, and other services. Each public school should have a person who serves as the school's "504 coordinator" and is responsible for coordinating the development, maintenance, and implementation of 504 plans.

#### Required Documentation for Students with an IEP

The student's IEP must include measurable post-secondary goals based upon age-appropriate transition assessments beginning the school year the student turns age 15, or younger if determined appropriate. The post-secondary goals should be related to training, education, employment, and, where appropriate, independent living skills. The IEP, which must be updated at least annually, also documents a student's transition needs, annual goals and transition services necessary to assist the student in achieving his/her post-secondary goals. The IEP must also include a statement of the responsibilities of the district and when applicable, participating agencies, such as NYSCB, for the provision of transition services.

Age-appropriate transition assessments completed by school district personnel help the student learn more about his/her interests, strengths and areas of need. This process also assists the CSE in identifying student strengths and needs and the services necessary to assist the student in accomplishing his/her goals. Age-appropriate assessment results may also identify community supports or linkages that may be beneficial for the student.

#### Student Exit Summary

IDEA 2004 created a new requirement for schools that should help students with disabilities make a smoother transition to post-school employment or education/training and independent living. Schools must now provide a "Summary of Performance", called the Student Exit Summary in New York State, prior to school exit for a student whose eligibility for special education services terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for a free

appropriate public education (FAPE) under state law. This summary must include information on the student's academic achievement and functional performance and include recommendations on how to assist the student in meeting postsecondary goals.

Congress intended for this summary to provide specific, meaningful and understandable information to the student, the student's family, and any agency, including postsecondary schools, which may provide services to the student upon transition. Schools are not required to conduct any new assessments or evaluations to provide the summary. Prior to leaving school, the student exit summary will be prepared and discussed with the student. The goal is for the student to use the student exit summary as a tool when talking to potential employers and adult services providers. **VR counselors may request a copy of the student exit summary from the student for planning purposes.**

### Coordinating School District and NYSCB Services

School districts have the primary planning, programmatic and financial responsibilities for the provision of transition services, including special education and related services. Financial and programmatic responsibility for services, other than those which are mandated for school districts by federal or state law or regulation, may be shared by other agencies (including NYSCB) that have responsibilities for transition under the Rehabilitation Act or other statutory provisions. NYSCB's responsibilities may include technical consultation to schools (for example, providing information regarding assistive technology) and preparing students for permanent employment. NYSCB staff should use their knowledge and experience to assist the CSE in identifying appropriate services to prepare students to participate in pre-employment transition services, transition services and other VR services to achieve postsecondary, employment and community living outcomes. While the following services may be provided by NYSCB, the provision of these services should not supplant the school's responsibilities.

As a participant in the school's transition planning process, NYSCB should

1. contribute knowledge of rehabilitation services and outcomes;
2. identify the need for involvement by other state agencies, adult service programs, independent living centers, and community-based services whose resources can assist youth who are legally blind, their families, and education personnel during the transition planning and service delivery process; and
3. provide information to assist in the selection of vocational goals that are consistent with labor market needs and integrated community living opportunities, including information about

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- a. work-site accommodations,
- b. employer expectations,
- c. labor trends and occupational outlooks,
- d. job entry qualifications,
- e. job placement analysis,
- f. work opportunities, and
- g. other vocationally-related issues.

The VR counselor may participate in the youth's CSE meeting. Parent consent, or consent of the youth if age 18 and older, is required before the CSE may invite outside service providers, such as the VR counselor, to the student's CSE meeting. If the VR counselor cannot attend in person, other alternatives may be used to include them in the meeting, such as video and telephone conferences. As an active CSE meeting participant, the counselor can provide specific information to the CSE about the NYSCB services available to the student. If appropriate, these services will be included in the IEP.

The Joint Agreement Between the NYSED Office of Special Education and NYSCB provides additional information regarding the overview of purpose, objectives and joint responsibilities of each party in the provision of transition services for youth who are legally blind.

### Transition Services Available through NYSCB

Transition services at NYSCB are provided by both children's consultants and transition counselors. Children can be transferred from the state-funded Children's Program to the federally funded Vocational Rehabilitation Program at age 10. The transferred child will continue to work with their children's consultant until at least age 14 when they can be transferred to a transition counselor if they are ready for vocational rehabilitation. Both children's consultants and transition counselors are vocational rehabilitation counselors who specialize in assisting children, students and youth who are legally blind.

All children transferring from children's services and applicants new to NYSCB must complete an application for vocational rehabilitation services and provide documentation of eligibility for services. Eligibility will need to be established within 60 days from the date of application. An Individualized Plan for Employment (IPE) will be jointly developed by the counselor and the youth, based on the youth's interests and objectives. The IPE should be developed within 90 days of eligibility determination. If NYSCB and the eligible individual decide that an extension to develop the IPE is needed, an agreed upon date for completion will be identified and documented in the case record. For students with disabilities who receive special education and related services under IDEA, the IPE must be developed and approved (i.e., agreed to and

signed by the student, or the student's representative, and the VR agency counselor) within 90 days from eligibility determination and no later than the time each VR-eligible student leaves the school setting. Youth may receive a wide range of vocational rehabilitation services depending on individual needs to achieve the planned

employment outcome identified on the IPE. See Chapter 6.00, Individualized Plan for Employment, for additional information.

Examples of VR services provided by NYSCB:

- Evaluations/assessments
- Vocational rehabilitation planning and counseling
- Independent living skills development training (orientation and mobility, daily living skills)
- Assistive technology assessments, for post-secondary or vocational needs
- Socialization skills services to develop social skills and enhance self-confidence
- Support services while completing training
- Low vision services
- Pre-employment transition services that include job exploration counseling, counseling on enrollment opportunities in comprehensive transition or postsecondary education programs, work-based learning experiences, workplace readiness training and instruction in self-advocacy

The VR Counselor does the following:

1. Provides counseling, support and guidance to students, youth, parents, and schools to promote effective transition planning and services, including pre-employment transition services and other VR services
2. Networks with schools and community resources to develop and maintain referral sources to identify and reach students and youth who are legally blind
3. Assists eligible individuals with developing an Individualized Plan for Employment (IPE)
4. Plans and coordinates skill development and confidence building activities for participants that may include socialization skills programs and work experience programs
5. Acts as a consultant to NYSCB agency staff regarding transition issues

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6. Assists students and youth in obtaining technology evaluations, recommended adaptive equipment and training in the use of equipment for post-secondary education and/or long-term employment
7. Attends relevant community transition meetings
8. Contacts appropriate representatives of other organizations (with appropriate releases from families) to encourage interagency cooperation

### Coordinating the IPE with the IEP

The coordination of the IPE with the IEP must be an integral part of the counselor's planning for pre-employment transition services, transition services and other VR services. Developing an IPE that coordinates closely with the IEP provides continuity of service delivery for those students who will need vocational rehabilitation services. With parental consent and consent of the student if age 18 and older, counselors should request a copy of the student's latest IEP and enter it into the electronic case file.

Collaboration in assessing student progress and participation in planning with the student, family and school should result in consensus about desired outcomes, goals and services that must be reflected in both planning documents. Information required on the IPE will be written to be consistent with the content of the IEP, including vocational goals, educational and rehabilitation objectives and services, projected dates and responsibilities for participation in the transition process.

### Student Employment

VR counselors encourage and support as appropriate, the student's participation in any of the Work-based learning (WBL) activities offered through schools. These experiences focus on assisting students in developing broad, transferable skills for postsecondary education and the workplace.

NYSCB recognizes the value of employment during high school and can provide summer and after school employment opportunities including work experience training for students with disabilities.

Counselors should also coordinate summer employment opportunities for students with existing programs funded by other sources. See Section 10.04, Work Experience Training, for additional information.

### Job Coaching

NYSCB will provide job coaching in conjunction with a work experience or summer job outside the school's responsibility. Consideration should be given to whether job coaching is required to enable the student to benefit from the work experience; it should **not** be provided routinely. (See Section 10.07, Job Coaching, for additional information about job coaching, including rates.)

### Child Labor Laws

In New York State, anyone under 18 (minors) must show an employment certificate before they begin work. Many people call these "working papers."

### Minors 13 Years of Age

In the State of New York, minors may not begin working in formal paid employment until the age of 14. Work experiences for 10-13-year-old students should be limited to volunteer activities or job shadowing. Students ages 10-13 may participate in pre-vocational programming provided by community partners that focuses on career exploration and often includes social skills/recreation activities.

### Minors 14 and 15 years of Age

Working papers serve as an official employment certificate. There are some restrictions about the number of hours students or youth may work, the times they may work, and the type of work they are allowed to do:

- When school is not in session, students and youth may not work more than 8 hours a day and 40 hours in one week.
- When school is in session, students and youth may not work more than 3 hours a day on school days or a total of 18 hours a week, outside of school hours.
- During the school year, students and youth may work between 7 a.m. and 7 p.m. only.
- In the summer (June 21st through Labor Day) youth may work from 7 a.m. to 9 p.m.

Refer to the Department of Labor's website [www.labor.ny.gov/youth](http://www.labor.ny.gov/youth) for additional information regarding youth and work.

**How Work Experiences Affect SSI**

The Student Earned Income Exclusion for SSI states that a blind or disabled child, who is a student regularly attending school, college, or university, or a course of vocational or technical training, may have limited earnings that are not counted against his or her Supplemental Security Income (SSI benefits). The maximum amount of the income exclusion applicable to a student who is legally blind are subject to change annually. The work experiences that NYSCB youth participate in during the summer are generally limited to 20 hours per week (or sometimes 25 hours) and students are paid minimum wage. Refer to [www.ssa.gov](http://www.ssa.gov) for current earning information and information on additional options that may be available through SSA.

Generally, the student and youth who work in the summer work programs do not come close to earning enough to impact their SSI. There are also Blind Work Expenses (BWE's) such as transportation that can be deducted from the earnings if the student or youth earn enough to get closer to the maximum allowable income. If families have concerns about the effect work may have on their child's benefits, they should be referred to an approved benefits advisor.

### Pre-Employment Transition Services (Pre-ETS)

Pre-ETS services are available statewide to all students who are legally blind who are eligible or potentially eligible for VR services and in need of pre-employment transition services.

Pre-ETS services focus on building the skills needed to obtain competitive integrated employment. These services are designed to provide students with information, support and experiences that facilitate the exploration of their vocational interests, strengths and abilities. Students will have the opportunity to participate in any of the five required activities.

1. Job exploration counseling
2. Work-based learning experiences
3. Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education
4. Instruction in self-advocacy; which may include peer mentoring
5. Workplace readiness training to develop social skills and independent living

### Student with a Disability

Pre-employment transition services are services for students who are enrolled in an educational program and are between the ages of 14 to 21 (up to the 22<sup>nd</sup> birthday). Educational programs include the following:

- Secondary education programs
- Non-traditional or alternative secondary education programs, including home schooling
- Post-secondary education programs
- Other recognized educational programs, such as those offered through the juvenile justice system

### Pre-ETS for Potentially Eligible Students

Students who are potentially eligible for NYSCB services will have the opportunity to participate in Pre-ETS services if they are between the ages of 14 and 21 (up to 22<sup>nd</sup> birthday), are enrolled in an educational setting and have not been determined eligible or ineligible for VR services. Potentially eligible students are only able to receive Pre-ETS services. If additional individualized VR services are needed to support the student's participation in the Pre-ETS service or the student requires additional VR support that is only available through an IPE, then an application for services will need

to be completed and eligibility determined. Referrals for pre-employment transition services can be made starting at age 14 for students enrolled in an educational program.

Information for potentially eligible students should include the following:

1. Student's name
2. Social Security number (if available)
3. Unique identifier (if available)
4. Date of birth
5. Race (if in elementary or secondary education)
6. Ethnicity (if in elementary or secondary education)
7. Student with a disability (indicate if the student has a 504 plan or an IEP)
8. Start date of pre-ETS services
9. The pre-ETS services provided

#### Youth with a Disability (Transition/VR Services)

Federal regulations make a distinction between “student with a disability” and “youth with a disability.” Youth with a disability are between the ages of 14 and 24 (up to the 25<sup>th</sup> birthday) who may or may not be enrolled in an educational setting. A student with a disability may also meet the definition of a youth due to the youth age range; however, a youth may not meet the definition of a “student” if the individual is beyond the age range of a student and not enrolled in an educational program.

#### Transition Services

NYSCB provides individualized VR and transition services to eligible youth regardless of enrollment in an educational program. Services will be provided based on the individualized needs of the student or youth in accordance with the identified goal on the IPE.

**Criteria for Referral to NYSCB VR Services**

With parent consent, or consent of the youth if age 18 and older, school districts are encouraged to make a formal referral for a student or youth to NYSCB any time the student or youth is thought to have a severe visual impairment, the student or youth requires additional services to meet the post-secondary goals in the IEP that are not otherwise available through mandated district based or funded programs, or the student or youth needs services provided by VR agencies.

**Referral Information**

Preferred documentation includes descriptions of the youth's current abilities, work-related limitations and service needs in functional terms. Examples include, but are not limited to

- documentation of legal blindness;
- the most current IEP or 504 plan;
- student medical and health screening reports including the most current ophthalmological, psychological, psychiatric reports, or other specialist's disability assessment, if available and relevant;
- reports from related services (e.g., rehabilitation teaching, orientation and mobility, occupational therapy, social work);
- reports indicating special equipment or other accommodations needed (e.g., communication needs, modes of reading and writing, proficiency in braille and visual functioning aids);
- indicators of academic achievement, such as transcripts, grades, academic achievement testing; and
- age-appropriate transition assessments.

Counselors may request and obtain additional school records if further information is required for eligibility determination or planning purposes. Written consent of the parent, or consent of the student if age 18 and older, must be obtained before any documentation is shared.

## TRANSFER FROM NYSCB CHILDREN'S SERVICES TO NYSCB ADULT SERVICES

7.03.01

### Family Preparation

To prepare the family for the transition from children's services to VR services and begin planning for the future, the children's consultant should meet with the child and family during the child's 9th year and discuss that the child will be referred to the VR Program at the appropriate age. The discussion with the family should take place during each annual plan review until the transfer occurs and should be documented in the child's case record.

### Transfer Guidelines

All children who are expected to graduate by age 18 and who clearly have vocational potential can be referred to the vocational rehabilitation program for VR services during the year after the child's 10<sup>th</sup> birthday. The children's consultant will discuss the case transfer with the child and his/her parent(s) or legal guardian before transferring the case to the Vocational Rehabilitation Program.

Children's consultants will complete an *Indicators of Employability Transition Assessment* form for all children who remain on their caseloads after the child has turned 14. The form was developed to evaluate whether students and youth with multiple disabilities can benefit from VR services. The form should be completed by the children's consultant with input from the child, the child's teachers and parents. The completed form should be submitted to the children's consultant's supervisor for review and signature.

Transfer to the VR counselor can be delayed until the youth turns 18 if the child requires additional time to develop vocational potential and the children's consultant is **unsure** of their ability to benefit from VR services. Referrals can take place any time between the child's 14<sup>th</sup> and 18<sup>th</sup> years. Referrals for pre-employment transition services can be made starting at age 14 for students enrolled in an educational program. Children's consultants should complete the "Indicators of Employability Transition Assessment" each year for these youth and review the outcome with their supervisor to determine the child's progress/vocational potential.

Children who have habilitation needs only as indicated on the initial "Indicators of Employability Youth Questionnaire" form should remain open with the children's consultant until age 21. Linkages with the Office for People with Developmental Disabilities (OPWDD) should be in place before the child leaves school. The "Indicators of Employability Youth Questionnaire" form should be completed no less than every three years for these students, until their case is closed at age 21. The IOE Youth

## **TRANSFER FROM NYSCB CHILDREN'S SERVICES TO NYSCB ADULT SERVICES**

7.03.02

Questionnaire provides information and documentation supporting the reasons for remaining open under children's services.

### Referral/Transfer Meeting for youth ages 14 and above

As part of the transfer to the VR Program, the children's consultant will schedule a meeting with the senior counselor and/or the vocational rehabilitation counselor expected to be working with the student or youth, if known. The meeting may also include other rehabilitation professionals who are familiar with the child and family. The children's consultant should be prepared to provide a description of the child's disability and its impact on the child's functioning, a social summary, education information, relevant work experience, if any, and a summary of daily living skills. If possible, a date for transfer from the children's consultant to the vocational rehabilitation counselor should be established at the meeting.

### Procedures for Transfer

Once a counselor has been assigned, the children's consultant should follow this procedure if they are still under children's services:

- a. Make an entry in the case record summarizing the referral meeting, indicating the response of the child and family, and status change.
- b. Close the case using the Progress Report, indicating the reason for closure;
- c. Obtain signed Application for Services form.
- d. Inform the child's Teacher of the Visually Impaired of the transfer of NYSCB management responsibilities to the specified rehabilitation counselor.
- e. Assign the case record to the senior counselor or counselor, if known.

If the student or youth is receiving VR services from the children's consultant, the counselor will need to update the primary counselor in the case record.

The children's consultant should remain available for consultation upon request.

### Introduction

This section outlines procedures for service coordination, sharing of resources, and services available to meet the needs of individuals who are both visually impaired and hearing impaired.

### Deaf-Blind Definition and Components

Deaf-blind is a condition in which an individual has both a severe hearing impairment and a severe visual impairment, as defined below, in which the combination causes extreme difficulty in communicating with others, attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining and maintaining competitive integrated employment.

**Severe Vision Impairment** - Legal blindness, a visual acuity of 20/200 or less in the better eye with best correction, or a visual field of 20 degrees or less in the better eye, or having a progressive visual loss with a diagnosis leading to legal blindness or; visual impairment, a visual acuity of 20/70 or less in the better eye with best correction or a visual field of 140 degrees or less in the better eye.

**Severe Hearing Impairment** - Deafness, an inability to hear and understand speech through the ear alone with or without amplification or a hearing impairment, which is a hearing loss of at least 40 dB in the better ear, with or without audiological aids as measured by Pure Tone Audiometry or Speech Recognition Threshold with either speech discrimination less than 50% or progressive loss.

This definition also includes individuals who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have a combination of significant hearing and visual disabilities.

### Guide to Determine Which VR Agency Will Provide Services

#### **Blind-Hearing Impaired - Services Provided by NYSCB**

Persons who are legally blind and who have a severe hearing impairment which is not deafness.

**Deaf-Blind Services Provided by NYSCB or ACCES-VR**

Persons who are unable to understand most speech with optimum amplification and who meet the criteria for legal blindness.

**Deaf-Visually Impaired - Services Provided by ACCES-VR**

Persons who are not able to understand most speech with optimum amplification and who have a severe visual impairment which does not constitute legal blindness.

**Hearing Impaired-Visually Impaired - Services Provided by ACCES-VR**

Persons who have a severe hearing impairment which is not deafness and who have a severe visual impairment which is not legal blindness.

**Deaf-Blind Memorandum of Understanding (MOU) between NYSCB and ACCES-VR**

NYSCB and ACCES-VR have an MOU regarding the provision of services to individuals who are deaf-blind. The MOU provides guidelines for interagency transfer of an individual's case and sharing resources. In accordance with the MOU, communication between agencies will need to occur when an individual's case will be transferred from NYSCB to ACCES-VR or from ACCES-VR to NYSCB. The VR counselor should inform the individual of this process. After the individual signs a release of confidential information form, documentation will be reviewed by NYSCB and ACCES-VR to determine which agency should serve the individual. The decision will be discussed with the individual once agreed upon by both VR agencies.

An individual being served by ACCES-VR who has been diagnosed severely visually impaired or diagnosed legally blind and has decided to continue to be served by ACCES-VR, may require special services related to his/her visual loss. In accordance with the MOU, NYSCB can share the following information:

1. Information about services from private agencies for the blind
2. Listings of vendors approved to provide services such as
  - a. orientation and mobility,
  - b. rehabilitation teaching,
  - c. communications instruction,
  - d. social casework,

## SERVICES TO INDIVIDUALS WHO ARE DEAF-BLIND

8.00.03

- e. psychological assessment,
- f. deaf-blind specific services, and
- g. interpreter services.

ACCES-VR can share the following information:

1. A list of contract services with community rehabilitation agencies, especially those with experience serving individuals who are hearing-impaired
2. A list of vendors approved to provide interpreter services for individuals who are hearing-impaired
3. Service agreements with private agencies specifically serving individuals who are deaf and hearing impaired

### Referral to NYSCB for Orientation and Mobility (O&M) and/or Vision Rehabilitation Therapy (VRT)

Whenever possible, ACCES-VR counselors should purchase O&M and VRT services from private agencies for the blind or private vendors. When these services are not available through a private agency or private vendor, the ACCES-VR counselor can request the services be provided by NYSCB direct service staff.

### NYSCB Receipt of Referral for O&M and/or VRT Services

Upon receipt of a request to provide O&M and/or VRT services the NYSCB district manager will forward the request to appropriate NYSCB direct service staff. The NYSCB direct service staff person will contact the individual to provide assessment and/or training and submit report(s) assessment and/or training reports to the ACCES-VR counselor.

**Introduction**

This chapter contains specific information on each of the services which may be provided for NYSCB participants. The services described in this chapter may be provided in accordance with an approved IPE, as appropriate to the needs of the individual consistent with the individual's informed choice, federal regulations and NYSCB policy and procedures.

Any services not described in the VR manual should be discussed with the VR counselor's supervisor to determine whether it can be included on the IPE.

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### Introduction

Vocational counseling and guidance are provided by the VR counselor to

1. promote a successful participant/counselor partnership throughout the rehabilitation process, and
2. engage the participant in a decision-making process in the selection, planning and achievement of an employment outcome where the participant is responsible for, and makes, decisions about the plan and services leading to employment.

### When to Provide

Vocational counseling and guidance are provided throughout the participant's entire rehabilitation program. Vocational counseling and guidance are provided by VR counselors and is not purchased from other sources. Other community members (e.g., services providers, family, friends) can play a crucial role in the effectiveness of vocational counseling and guidance by supporting the participant's achievement of their vocational goal.

### Scope of Service

Vocational counseling and guidance are provided to

1. encourage the participant by establishing a relationship of mutual respect, where the VR counselor can be supportive in promoting the participant's development of the skills needed to achieve an employment outcome;
2. facilitate informed choice throughout the VR process by providing information about the scope and limits of VR services, and by helping the participant obtain information on programs, resources and services that can assist in achieving their vocational goal. When there are limits on the availability of VR services, the VR counselor can assist the participant in exploring alternatives;
3. gain a comprehensive and individualized understanding of the participant's abilities, capabilities, interests, strengths, resources, priorities and concerns to identify factors that will be critical to vocational achievement;
4. facilitate the participant's understanding of their strengths and plan with the participant to find ways to work around any impediments, such as functional

limitations related to health, personal, economic (e.g., benefits, work disincentives/incentives) and social issues;

5. assist the participant in selecting a vocational goal and developing a plan of services toward that goal;
6. advise the participant regarding the benefits of involving significant others such as family members, relatives and friends in the community who can be assets to the VR process; and
7. provide ongoing support for the stabilization of competitive integrated employment, including advising the participant about the benefits of using natural supports.

#### Other Counseling Services

If based on the VR counselor's observations, assessments or training reports, the VR counselor believes that a participant can benefit from psychological or other counseling, they should strongly recommend that the participant seek these counseling services. If the participant agrees to participate in counseling services, the VR counselor should arrange for the service and revise the IPE as needed. If the participant refuses counseling, the VR counselor should advise the participant that failure to address issues may impact the participant's ability to participate successfully in their VR program and should document the conversation in the case record.

### Purpose of Low Vision Services

Low vision services are provided to legally blind individuals to help maximize the use of their residual vision. Low vision services are designed to increase the participant's independence in daily living activities such as self-care; mobility in the home and community; and reading.

### Low Vision Services as Medical Restoration

Low vision services are considered medical restoration services. These services are only provided by NYSCB when necessary for the achievement of the vocational goal. Low vision services are frequently medically necessary to increase a person's visual functioning and the ability to perform daily living activities.

### What are Low Vision Services

Low vision services include one initial examination and three follow up examinations within a 2-year period. Low vision services may also include training on the use of devices for daily living activities.

### Initial Examination

The initial low vision examination is expected to include but not be limited to the following:

1. Case history (including use of large print, braille, special aids; occupation before and after visual impairment; current goals; mobility)
2. Exterior eye examination
3. Internal eye examination
4. Visual acuity (includes lighting analysis)
5. Objective tests
6. Subjective tests (includes refraction)
7. Tests of eye coordination and muscle function
8. Visual field tests
9. Color vision tests
10. Glaucoma tests
11. Pre-confirmation of all subjective tests
12. Prescription of specific low vision aids

### Follow-up Examinations

The follow-up examination will be used to

1. assess the functional use of prescribed aids,
2. instruct the participant in the use of prescribed aids, when necessary, and
3. address significant changes in vision.

VR counselors should not routinely authorize follow-up examinations. Follow-up examinations are authorized in response to specific needs of the participant identified at the initial low vision examination. An authorization of a follow-up examination should not occur for simple fitting or adjustment of the low vision aids.

### Low Vision Service Providers

Low vision services may be provided by all licensed ophthalmologists and those optometrists who have been certified as low vision specialists by the New York Optometric Association.

Training in the use of low vision aids for activities of daily living may also be provided by vision rehabilitation therapists and orientation and mobility specialists; or by licensed health care providers, such as occupational therapists, when prescribed by a qualified physician.

### When Are Low Vision Services Provided?

Low vision initial and follow-up examinations may be provided to NYSCB participants at any time during the rehabilitation process. Low vision aids may be provided only in Status 06 and above.

VR counselors will not routinely re-open closed cases to provide low vision services when there is no evidence of significant or substantial limitations in the participant's ability to function in their job. **A documented change in vision is not a sole indicator for re-opening a case and providing low vision services.**

### Post-Employment Services

Low vision services can only be provided during post-employment services when the services are necessary for the participant to maintain their employment.

VR services are not to be used for routine low vision services. Once a participant has achieved their vocational goal and exits the VR program, they are responsible for routine low vision services.

### Replacing Low Vision Aids

Low vision aids will only be replaced once when the devices are damaged through occurrences beyond the control of the participant or when lost.

After exiting the VR program, participants are responsible for replacing their lost or damaged low vision aids.

### Substantial Changes and Low Vision Services

Upon receipt of a request for low vision services from an individual whose case is closed, NYSCB staff will conduct a telephone interview to determine if the request is for routine medical care or for additional low vision services due to substantial changes in the individual's ability to function in their job. Substantial changes would mean that the individual can no longer perform tasks that are essential requirements of the job.

If the individual's need for low vision services is determined to be for routine medical eye care and no additional VR services are required, the individual would not be eligible. If there are substantial changes in the individual's ability to function in the occupation and VR services are required, then the individual can be considered eligible.

### What Are Low Vision Aids

A low vision aid is any lens, corrective device or other instrument prescribed by a low vision specialist which improves visual functioning. Examples of low vision aids:

1. Hand magnifiers
2. Stand magnifiers
3. Telescopic devices (hand-held or spectacle mounted)
4. Tele-microscopic devices
5. Portable electronic magnification devices

Conventional eyeglasses are not low vision aids. Low vision aids are prescribed when conventional eyeglasses cannot correct vision to a normal range due to a permanent eye disease or impairment.

### CCTV's

The purchase of a CCTV can only occur with a recommendation from a low vision specialist. When recommending a CCTV, the low vision specialist should be as specific as possible in describing any features required by the participant. Though CCTV's are considered high tech equipment they do not require economic eligibility. Follow the *High-Tech Purchasing Guidelines* when purchasing a CCTV or a portable electronic magnification device.

### Economic Need

The initial low vision evaluation, all follow-up examinations and low vision aids are not contingent on economic need. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing low vision services. Any applicable Medicaid, Medicare and private medical insurance benefits should be billed by the provider as comparable benefits and should be used before NYSCB authorizes low vision services. Low vision providers should clarify to the insurance carriers that the low vision exams and devices are medically necessary services that increase the visual functioning of an individual whose vision cannot be corrected by surgical means or by conventional eyeglasses.

All authorizations for low vision services must include the statement "**Less any third-party insurance reimbursement**". If providers are reimbursed after NYSCB has paid for a service, the provider is obligated to reimburse NYSCB for any excess payment.

See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Referral for Low Vision Services

When referring a participant for low vision services, the VR counselor will provide the low vision specialist with:

1. a copy of the participant's most recent ophthalmological examination, if available
2. a Low Vision Evaluation Report Form (for agency providers this form automatically populates into the case record when the authorization is approved); and
3. an authorization for an initial low vision exam.

### The Low Vision Evaluation Report

The Low Vision Evaluation Report is used by the VR counselor to describe proposed participant activities and the vocational goal, if known. The VR counselor can also discuss any specific concerns. The Low Vision Specialist uses the Low Vision Evaluation Report to report findings to the VR counselor and to prescribe low vision aids for the participant.

The Low Vision Evaluation Report must be completed by the low vision specialist for all participants referred for services.

### Reviewing Low Vision Recommendations

Before authorizing devices, VR counselors should review the Low Vision Evaluation recommendations. The NYSCB Low Vision Consultant can be contacted if the VR counselor has any questions about the devices being prescribed.

### Guidelines for Deciding What Devices to Purchase

Based on the low vision specialists' recommendations the VR counselor, can determine which devices are necessary for the participant to achieve their vocational goal using the following guidelines:

1. For more complex LV devices, consider if the participant has the motivation and the ability to learn to use a device properly. Discussion with the participant and the direct service provider (e.g., Vision Rehabilitation Therapist, O&M instructor or Occupational Therapist) will help to assess these factors. While a device may improve acuity and the ability to perform a specific task during an examination, will the participant be willing and able to learn to use the device independently and sustain use over time? Careful consideration of these factors must support the decision to purchase.
2. Whenever the VR counselor has doubts about how effective a device may be, the possibility of a trial loaner along with rehabilitation teaching (or O&M instruction depending on the purpose of the device) should be explored. For custom devices, this is not always feasible.
3. In some circumstances, by looking carefully at the functional gain the participant wants to achieve, adaptive equipment, adaptive skills training or non-optical devices can be more effective than some low vision aids. If this seems possible, ask the low vision practitioner if these alternatives are appropriate.

### Payment for Aids on the Low Vision Aid Fee Schedule

Any aids prescribed by the low vision specialist which are on the Low Vision Aid Fee Schedule and not more than the approved fee, may be ordered by the VR counselor.

### Low Vision Aid Special Request Procedure

**If the low vision provider is unable to find an appropriate substitute on the existing fee schedule**, the VR counselor will need to request approval for an exception.

This procedure is for optical devices only. Non-optical aids and lamps, if not on the Low Vision Aid Fee Schedule, should be purchased as rehabilitation equipment.

### Special Request Prior Approval Process

Any prescribed items that are not on the fee schedule require special request prior approval and a higher level of documentation. The Special Request Prior Approval form (or a supplemental narrative) and the Low Vision Evaluation Report Form must

1. provide a description of the low vision aid,
2. explain the purpose of the low vision aid and provide justification of its necessity,
3. provide information about the need for training with the prescribed low vision aid, and
4. provide a price quote from a verifiable source (e.g., wholesale supplier) that clearly indicates the actual cost of the item.

### Steps to Follow for Approval

1. The low vision practitioner will submit the Low Vision Evaluation Report form and the Special Request Prior Approval form to the VR counselor.
2. The VR counselor will review the information and send it to the senior counselor or the district manager for further review and approval.
3. Once approved by the senior counselor or district manager the request and documentation should be sent to the home office for final approval.
4. The VR counselor will be notified of the decision in a memo which includes a description and the approved fee. This notification will be sent to the VR counselor. **A copy of this memo must be attached to the authorization when submitted to OCFS Accounts Payable.** If the request is denied, the VR counselor will be notified with the reason for the denial.

## **LOW VISION SERVICES**

9.02.07

### Ordering Aids

Prescribed aids are ordered directly from the low vision specialist unless another source is specified on the Low Vision Evaluation Report Form.

Social Casework services are intended to enable the participant to utilize resources that will assist in the areas of adjustment to vision loss; finance; health; self-advocacy and participation in activities with family, peers, community and work. Participants receiving this service should exit with the demonstrated ability to manage all areas of need addressed during the baseline evaluation.

Social Casework may address needs in any of the following areas, entitlements/benefits and resources to manage financial obligations (SNAP, SSI, etc.), understanding and compliance with prescribed medications/treatment, identification, establishment and maintenance of social supports with appropriate interpersonal skills and boundaries, self-advocacy, coping mechanisms for dealing with vision loss and concurrent disabilities and identification of barriers that affect work readiness including social, economic, behavioral, medical, physical, psychiatric and transportation.

See the Comprehensive Services Contract (CSC) Guidelines for additional information about the provision of Social Casework services.

#### Social Casework Level 2 Services– Brief Therapeutic Intervention

Social Casework Level 2 may be recommended at any time in the VR process when the VR counselor and the participant agree that an immediate, short-term therapeutic intervention is necessary to address behaviors or conditions that are significantly impeding the participant's progress toward an educational or vocational goal. This intervention may address mental, social, emotional, behavioral, developmental, and addictive disorders, conditions and disabilities.

Social Casework Level 2 may be authorized when it is expected that the participant's needs can be addressed within 6-12 hours over a period of no longer than 12 weeks.

In all cases, social casework services provided must be explicitly related to the resolution of issues that are interfering with the participant's achievement of personally defined education and/or employment goals mutually agreed upon between the VR counselor and the participant. If the need for long term personal counseling or psychotherapy is identified, the contractor should assist in the transition to these services.

See the Comprehensive Services Contract (CSC) Guidelines for additional information about Social Casework Level 2.

### Determining the Scope of Social Casework Services

The scope of social casework services provided is determined based on an evaluation of the participant's needs relative to their vocational goal. The VR counselor will be provided a written report of the evaluation findings including recommendations. The VR counselor will discuss the evaluation findings and recommendations with the participant to determine what, if any, services are to be provided to meet their vocational needs.

### Who Provides Social Casework

Social Casework is provided by professionals who meet the qualifications established by NYSCB. They may be provided through a private agency, or by an approved private vendor.

### Priority of Service Provider

When choosing a services provider, the following priority order should be used:

1. Private agency personnel, when available
2. An independent social worker who is approved by NYSCB as a private vendor

Private vendors are to be used when priority 1 is not available.

### Economic Need

The provision of Social Casework is not contingent on economic need. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing social casework services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Introduction

Assistive technology is a service that assists individuals with disabilities in overcoming barriers that hinder full participation in education, rehabilitation, employment, transportation, independent living, and recreation. NYSCB will only support assistive technology when it is necessary to achieve the participant's vocational objectives and goals.

The need for assistive technology can be considered at any stage of the VR process. If needed to determine eligibility for VR services, assistive technology must be considered, and will be provided if necessary, to assess and develop a participant's capacity to perform in a work environment. Assistive technology must also be considered when planning the IPE and choosing a vocational goal.

### Assistive Technology Services

Assistive technology services are services that directly assist an individual with a disability in the selection, acquisition, or use of an assistive technology device, including

1. evaluation of the needs of an individual with a disability;
2. purchasing, leasing or otherwise providing assistive technology devices;
3. selecting, designing, fitting, customizing, adapting, applying, maintaining; repairing, or replacing assistive technology devices;
4. coordinating and using other therapies, interventions, or services with assistive technology devices;
5. training or technical assistance for an individual with a disability (or others, as appropriate, e.g., family members); and
6. training or technical assistance for professionals, employers, or others as necessary to the achievement of an employment outcome by an individual with a disability.

### Assistive Technology Service Providers

NYSCB provides assistive technology services through a network of assistive technology centers and through private vendor high-tech consultants. All technology services must be provided in accordance with the *Assistive Technology Services Guidelines*

### Assistive Technology Centers (ATCs)

ATCs have been established by NYSCB across the state. Referrals to ATCs should be based on the participant's residence, the location of their work or education site, travel proximity, and/or availability of technology staff.

### Use of High-Tech Consultants

It is the policy of NYSCB to utilize contracted ATCs to meet the service needs of participants whenever possible. When services are not feasible or available through the ATCs counselors have the option to utilize private vendor High Tech Consultants.

Private vendor High Tech Consultants will use the same reporting format and perform to the same standards as the ATCs. (See the *Assistive Technology Services Guidelines*.)

### Approval, High-Tech Consultants

Private vendor High Tech Consultants must be approved by NYSCB. See Chapter 16.00, Private Vendors, for additional information.

### ATC Contracted Services

Outcome services listed below are provided by contracted ATCs. Brief descriptions of the services are included below. For more detailed information see the *Assistive Technology Services Guidelines*.

1. ATC Readiness Evaluation (required service that precedes Assessment and Training)
2. ATC Assessment (including an equipment recommendation)
3. ATC Training

### ATC Fee-Based Services

Fee-based services listed below may be provided by ATC's or private vendor high-tech consultants. Brief descriptions of the services are included below. For more detailed information, see the *Assistive Technology Services Guidelines*.

## **ASSISTIVE TECHNOLOGY SERVICES**

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1. ATC On-Site Evaluation
2. ATC On-Site Installation
3. ATC Technical Job Coach Development
4. ATC On-The-Job Technical Support
5. ATC Technical Support for Placement Staff
6. ATC Refresher Training
7. ATC Remote Technical Assistance
8. ATC Training Hourly

### Fee-Based Services Provided Through the Comprehensive Services Contract (CSC)

Fee based services listed below are provided through the CSC providers. Brief descriptions of the services are included below. For more detailed information, see the *CSC Guidelines*.

1. Computer Software Training
2. Strategic Technical Intervention

### Preparing a Participant for Referral for Assistive Technology Services

Prior to making a referral for assistive technology services, the VR counselor must do the following:

1. Discuss with the participant their need for accommodations for academic/vocational training or placement purposes
2. Determine whether the participant has the basic skills necessary to participate in assessment or training
3. Inform the participant about what to expect from the service, and provide the "Assistive Technology Services - Information for Participants" handout
4. Discuss with the participant the equipment procurement process and ownership policies

### Initial Referral Information

A referral for ATC services should include the following:

1. Completed NYSCB Vendor Referral

2. Most recent Confidential Health Assessment
3. Most recent ophthalmology report, if available
4. Most recent low vision evaluation report with CCTV recommendation if applicable
5. Results of audiological exam, if applicable
6. Any reports of previous technology services
7. Job or educational task analysis and productivity requirements
8. Reports of other assessments: vocational assessment, communication skills evaluations, etc.
9. Information regarding any other equipment being purchased

### ATC Assessment and Equipment Recommendation

An assessment provides information about a participant's existing computer skills and knowledge, as well as their ability to learn to use assistive technological devices. The information gathered is used by the VR counselor, ATC staff person, and the participant to determine the next appropriate step in achieving the participant's vocational goal. Final recommendations on the assessment report will include: a recommendation for assistive equipment and a prediction of the likelihood that the participant will benefit from assistive technology training.

### Purchase of Recommended Equipment

Equipment recommendations with justification for purchase will be listed on the E-plan. NYSCB will review the E-plan to finalize the equipment purchase. NYSCB may

1. make substitutions similar in function which may be more cost-effective than the original recommendation,
2. delete specific items,
3. delay purchase of any/all items, or
4. choose not to purchase any of the equipment.

Procedures for purchasing equipment are in the High-Tech Purchasing Guidelines.

### ATC Training

ATC training familiarizes a participant with the assistive equipment configuration specifically recommended for them, including routine maintenance and care, features, functions, system operation, and configuration assembly/disassembly. At the end of training, a participant will be expected to demonstrate, to the levels required in the *Assistive Technology Services Guidelines*, proficiency in the function and use of

the recommended assistive equipment configuration and software.

### On-Site Evaluation

An on-site evaluation should result in recommendations which encompass all ranges of technology. The on-site evaluation report should also include a prediction of the likelihood of a successful installation of the equipment at the site and identify a technical liaison. Whenever possible, the employer should provide technical support to the NYSCB participant.

The VR counselor should be available at the site during the on-site evaluation.

### On-Site Installation

On-site installation is intended to verify that the participant's specific assistive equipment is installed in the job/education setting in a manner in which the configuration interacts effectively in the environment, enabling the participant to effectively perform the tasks required. It may include actual installation, assistance installing the configuration, and technical assistance provided over the phone.

At the completion of this service, the equipment configuration must function as designed for a consecutive two-week period. This is verified with the on-site technical liaison (if established) and the participant. This service is purely technical and equipment specific and does not pertain to a participant's ability to use the equipment appropriately.

On-site installations are reserved for more complicated equipment set-ups. Participants will be expected to be able to set up stand-alone equipment by themselves.

Exceptions may be made at the counselor's discretion.

### Technical Job Coach Development

Placement efforts can be further enhanced through the development of technical skills in job coaches. Upon referral from NYSCB, a provider will train job coaches to provide them with specific skills in the application of assistive devices for the blind at job or educational sites. As the result of this training, the job coach will have a working knowledge of the participant's specific assistive equipment configuration and how it interfaces with the job/education site equipment. The job coach will also have the skills to assist the participant in the use of the equipment and software in that setting.

Once a job coach is trained, NYSCB will contract directly with job coach (if approved as

a private vendor) or with the coach's employer.

#### On-the-Job Technical Support

On-the-job technical support is designed to provide assistance at the job/education site to train technical liaisons on the specific assistive platform within the participant's work/educational environment, and the level of on-going support necessary to enable the participant to perform his/her specific tasks.

#### Technical Support for Placement Staff

Recognizing that technology often plays a critical role in successful job development and placement, NYSCB will authorize technical support to job placement specialists to assist them in understanding how assistive devices can enable ATC graduates to meet the demands of potential work environments.

#### Refresher Training

The purpose of this service is to provide training or re-training on software or hardware on which the participant previously received training, and which is essential to the participant's current employment or education setting.

#### Remote Technical Assistance

Remote Technical Assistance allows for the provision of technical intervention services using the participant's computer and screen reader software offsite when there is a malfunction or computer use issue that requires the intervention of the Contractor. If remote access is not available via the computer, the Contractor can troubleshoot the computer issue via telephone. Telephone troubleshooting will only be used as an alternative solution.

#### ATC Training Hourly

This service should only be authorized after the completion of an ATC Training outcome service. It is to provide some additional training when needed on a specific software package needed for employment or educational purposes or to address some other specific computer training need.

### Computer Software Training

Computer Software Training is provided to participants who have successfully completed ATC training at an ATC or at another NYSCB approved training source. Computer Software Training is used to provide software specific instruction to participants who require a thorough working knowledge of a particular software package for employment or educational purposes.

### Strategic Technical Intervention

Strategic Technical Intervention is used to provide supplementary job/education site technical support services. Participants receiving this service should already be trained on their adaptive equipment configuration and know how to use their computer. Types of technical service covered could include (but not be limited to): new software installation; highly specialized and computer specific job task training; technical troubleshooting.

### Rehabilitation Engineering Services

Rehabilitation engineering is the application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities. Functional areas addressed through rehabilitation engineering may include mobility, communication, hearing, vision, and cognition, and activities associated with employment, independent living, education, and integration into the community.

While most assistive technology needs can be met through NYSCB Assistive Technology Centers or approved high-tech consultants, it may be necessary at times to seek the assistance of a rehabilitation engineer skilled in adaptations needed for cognitive or physical impairments. Local ACCES-VR district offices can provide information on rehabilitation engineers they have used. VR counselors may purchase rehabilitation engineering services from ACCES-VR approved vendors at the rate approved by ACCES-VR for this service.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing rehabilitation technology services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Assistive Technology Devices

**Assistive technology device** means an item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities. Conventional assistive devices are considered low tech devices and are usually recommended by a Vision Rehabilitation Therapist. See the *Comprehensive Services Contract Guidelines* for additional information regarding conventional assistive devices. Computer based devices are addressed in this chapter.

### When to Provide Assistive Devices

Assistive devices may only be provided in Status 10 or above, and only after an evaluation and recommendation from an appropriate professional. Although it is unusual to provide assistive devices in Status 10, it is recognized that devices may sometimes be needed to conduct an assessment for the purpose of developing an IPE.

In circumstances where assistive technology is needed for the applicant to perform the functions required during a trial work, assistive technology devices may be loaned to the applicant with supervisory approval. Any loaned device(s) must be returned to NYSCB at the end of the trial work opportunity.

### Employer Responsibility for Individuals Who Are Working

The VR counselor should consider the employer's responsibilities under Section 504 of the Rehabilitation Act and the employment provisions of the Americans with Disabilities Act. The employer's responsibility for accommodating individuals with disabilities may include providing appropriate opportunities and acquiring or modifying equipment/devices needed for employment. These responsibilities may affect the scope of services provided to individuals who are eligible for VR services.

### Economic Need

Assistive technology devices provided to support diagnostic services, including trial work are not contingent on the participant's economic need status.

Conventional assistive devices provided in conjunction with rehabilitation teaching and orientation and mobility services are not based on the participant's economic need status.

Though CCTV's are considered high tech equipment they are **not** contingent on the participant's economic need status.

The provision of all other assistive technology devices **is** contingent on the participant's economic need status.

### General Guidelines, High-Tech Equipment

General guidelines for the acquisition of high-tech equipment (including software) have been established as follows:

1. Standard equipment configurations - NYSCB will not purchase multiple configurations for use at multiple locations (unless justified by job or task requirements)
2. Equipment will only be upgraded after all relevant factors are reviewed including the date of purchase of the equipment, whether the original equipment is no longer appropriate for the vocational goal, the upgrade is necessary for continued functioning. Upgrades need supervisory approval.
3. Software - NYSCB's responsibility is limited to the initial acquisition and installation of software. The VR counselor should document in the case record that the participant understands that it is their responsibility to maintain and/or upgrade software if the employer is unwilling to do so.
4. See High-Tech Purchasing Guidelines for information on purchasing high-tech equipment.

### CCTVs

A CCTV connected to a computer requires an assistive technology assessment; a stand-alone CCTV must be recommended by a low vision specialist.

### Braille Note-Takers

A portable computerized braille note-taker may be purchased upon the recommendation of a rehabilitation teacher. It is not necessary to obtain an ATC to purchase such a device.

### Case Documentation

Using information from the evaluation, the VR counselor must document the following in the case record:

1. The reason the participant needs the equipment to participate in the VR process and obtain employment consistent with their IPE goal, and
2. That the equipment is being purchased after an evaluation and recommendation from an appropriate professional

### Equipment Agreement Form

The Equipment Agreement Form outlines the participant's responsibilities associated with equipment purchased by NYSCB. Prior to or upon receiving high-tech equipment, the Equipment Agreement Form should be reviewed and signed by the participant.

### Ownership of Equipment

All equipment provided to participants by NYSCB remains the property of NYSCB until successful case closure.

### Maintenance and Insurance

NYSCB is responsible for maintenance and insurance until ownership is transferred to the participant. Once the transfer occurs, maintenance and insurance are the responsibility of the participant. The participant's employer should be encouraged to pay for maintenance and insurance.

### Maintenance Agreements

When purchasing equipment through an E-Plan, maintenance is included in the purchase.

### Insurance

Equipment which is owned by NYSCB can be insured through a participant's homeowner's or renter's policy or through a training site or employee's insurance policy.

**Loaning Equipment**

Equipment which is loaned to a participant by the district offices when needed for evaluation, training or placement must be returned to NYSCB upon request. Any equipment loaned must be documented in the case record.

**Replacing Equipment**

Prior to transfer of ownership to the participant, equipment provided to a participant may be replaced if lost or damaged through theft, fire, flood, vandalism or other acts or occurrences beyond the control of the participant when:

1. an insurance report or police affidavit is submitted to the VR counselor documenting the loss, and
2. after a review of the documentation and other circumstances surrounding the loss, the VR counselor and senior counselor determine that the loss has occurred under circumstances permitting replacement of the equipment.

If the equipment is covered by an insurance policy, NYSCB will only cover the amount of the participant's deductible.

Once ownership is transferred to a participant, it is the participants responsibility to replace their equipment.

### Introduction

Maintenance is a supportive VR service and can only be provided to enable a participant to receive or engage in another VR service.

Maintenance payments are not intended to ameliorate poverty or guarantee a participant's and/or their families a standard of living equal to what they may be accustomed.

### Federal Definition

Maintenance is monetary support provided to an individual for expenses such as food, shelter, and clothing, that are in excess of the normal expenses of the individual that are necessitated by participation in an assessment for determining eligibility and VR needs or the individual's receipt of VR services in accordance with an Individualized Plan for Employment (IPE).

### Times When Maintenance May Be Needed

Maintenance assistance is frequently required when a participant is receiving the following services:

1. Assessment Maintenance payments for room and board may be paid to allow participants to access assessment services (i.e. short-term lodging and meal costs while receiving specialized tests in an out-of-town medical center).
2. Medical Restoration Maintenance may be paid to allow a participant to receive medical restoration services.
3. Training Maintenance payments for room and board may be paid to allow a participant to engage in training.
4. Placement Maintenance may be provided to facilitate placement. For example, maintenance may be provided for participants in employment and work readiness programs; maintenance may be provided to a participant who moves out-of-town to accept employment.

Maintenance for Family Members

1. NYSCB does not pay maintenance for family members unless it is necessary to allow the participant to engage in a VR service.
2. NYSCB does not pay maintenance for family members when a participant is relocating for a job.
3. Authorization of maintenance for family members requires district manager approval.

Description of Maintenance Services During Assessment, Training and Medical Restoration or Other VR Services

Maintenance in the form of room and meal expenses may be provided to participants during assessment and medical restoration.

Room and meal expenses for college students are described in Section 10.01, College Training.

Room and meal expenses (including heat and electricity) may be provided for a participant who is required to live away from home while participating in a rehabilitation program in accordance with the following guidelines:

Short Term Living Situation (Hotel or Motel) - Individuals can reside in a hotel or motel for a maximum of eight weeks. When the VR counselor knows that assessment, training or physical restoration services will continue beyond eight weeks, they should begin to look for a long-term living situation at the outset of service provision. A long-term living situation must be found by the end of the eighth week.

1. Time frame - up to a maximum of eight weeks with the possibility of a four-week extension with adequate justification and senior counselor approval.
2. Room expenses - an allowance to meet the actual cost of room expenses incurred by the participant may be provided. This allowance cannot exceed the prevailing state lodging allowance rate.
3. Meal expenses - when included with the cost of the rehabilitation program, the actual cost of meals may be provided up to a maximum of \$25 per day. When the participant is required to obtain or prepare their own meals, they may be provided an allowance of \$25 /day.

Long-Term Living Situation (includes, but is not limited to, congregate housing provided by vocational schools or private agencies; transitional apartments, and private apartments occupied by one or more persons):

1. Time Frame - anytime during the service provision and after the eight-week period has expired.
2. Room Expenses/M meal Expenses - Actual costs up to a maximum of \$1,000/month may be provided for lodging (including utilities). A maximum of \$300/month may be provided for meals.

#### Individuals Who Commute to Services

Individuals who commute to and from their rehabilitation program are not entitled to any room or meal allowance.

#### Example of Maintenance Services During Medical Restoration

Maintenance is not commonly needed during the provision of medical restoration services. However, when it is needed, it may be paid to a participant or vendor in accordance with the allowances established above.

Example: A participant from upstate New York is scheduled for eye surgery in a NYC hospital. NYSCB may pay the actual cost of receipted hotel expenses up to the maximum allowed for state employees and meal costs up to \$25 per day if the participant needs to arrive in the out-of-town location the day before treatment.

#### Description of Maintenance Services to Accept Employment

Maintenance may be provided to participants who have relocated to accept employment in accordance with the following guidelines:

1. Room (lodging) Expenses - An allowance to meet the actual cost of lodging expenses in accordance with the allowances established for maintenance during assessment, training and physical restoration may be paid for a maximum of 60 days.

NYSCB may pay security deposits in lieu of one month's rent.

2. Board (Meal) Expenses - An allowance of \$25.00/day may be authorized until receipt of the first paycheck.

### Absenteeism

Maintenance in the form of room and meals will continue to be paid for participants who are living away from home and participating in evaluation or training programs when the absence is due to illness, or urgent personal business.

### Notification of Missed Appointments

VR counselors should be aware that community rehabilitation programs are required to notify VR counselors of the participant's failure to appear for appointments or failure to cancel appointments. The community rehabilitation program should document the missed appointment or failure to cancel in the service progress report in accordance with the *Comprehensive Services Contract (CSC) Guidelines*.

### Lodging, Special Considerations

It is the policy of NYSCB that participants whose IPEs include reimbursement for housing, shall be lodged in sites which are in conformance with basic health and safety requirements.

Landlords or agencies providing the housing are responsible for conformance with these requirements. Due to the regulation of hotels and motels, documentation conformance is not necessary when a participant is residing in a hotel or motel.

### Types of Lodging

Housing includes, but is not limited to hotels, motels, congregate housing provided by vocational schools or private agencies, transitional apartments and private apartments occupied by one or more people.

All housing settings must meet prevailing requirements for health and safety conditions.

### Appropriate Documentation - Apartments and Single-Family Homes

In situations involving apartments or single-family homes in New York State, the applicable documentation will usually consist of a copy of the owner's Certificate of Occupancy. In areas that do not have a certification program, it will be necessary to forward a copy of that area's equivalent documentation.

For all other situations, it will be necessary for the VR counselor to furnish documentation indicating that the residence complies with the prevailing local codes governing the type of residence being utilized.

Document must be scanned into the participant's case record.

#### Appropriate Documentation, Group Homes and Congregate Living Situations

For group homes and other congregate living situations which are regulated by a government agency, it will be necessary to forward copies of the facility's approval documents issued by that government agency. Document must be scanned into the participant's case record.

#### Clothing Allowance

A one-time clothing allowance up to \$300 may be provided at any time during the VR process to a participant who has a documented need for clothing to engage in services or achieve their vocational goal.

#### Economic Need

All maintenance costs associated with the provision of assessment services are not contingent on the participant's economic need status.

When provided to support non-assessment services, maintenance services are contingent on the participant's economic need status.

See Chapter 5.00, Determination of Economic Need, for additional information.

#### Comparable Benefits

Available comparable benefits must be used prior to authorizing maintenance. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Introduction

Transportation services is travel and related expenses that are necessary to enable an applicant or participant to engage in a VR service, including expenses for training in the use of public transportation.

### Scope of Services

Transportation is considered a supportive service and can only be provided to enable a participant to receive or engage in another VR service. Transportation services include

1. actual fares/travel costs for the participant to use public or private conveyances,
2. actual fares/travel costs for an individual escorting the participant when the participant is not able to travel independently to a service or when the total cost of this method of transportation is less than other options,
3. mileage reimbursement at the state rate when another individual provides transportation for the participant using a personal vehicle,
4. relocation or moving expenses in accordance with the guidelines in this section,
5. hourly costs for a travel aide when required due to the severity of the participant's disability or the lack of other transportation options,

### VR Counselor Responsibility

To minimize the cost of transportation services, "no cost" or "low cost" options which meet the participant's needs should be explored with the participant at the beginning of the VR process. Every effort should be made to have the participant travel independently using public transportation (when they are able to safely and comfortably use this option) or to use transportation services available at no cost to NYSCB. For those participants who use public transportation, VR counselors should discuss the availability of reduced fare cards.

### Transportation Options

During intake process, VR counselors should discuss the following transportation options to determine the method(s) to be used by the participant to travel to VR

services. When providing transportation, the lowest cost option for NYSCB should be used first.

1. Transportation by a family member or friend using either a personal vehicle or accompanying the participant using public transportation
2. Transportation paid by Medicaid (i.e. taxi service to medical appointments)
3. Volunteer providers
4. Public transportation when the participant is able to safely and comfortably use public transportation
5. Paratransit systems, local office for the aging transportation services, where available or other community resources available to older individuals or individuals with disabilities other than blindness
6. Group van service
7. Individual car service or taxicab service

#### Selection of Transportation Providers

When selecting among the alternatives listed above, in addition to the cost of the services, the VR counselor and participant should also take into account the availability and the appropriateness of the selected option.

#### Payment for Travel Aides

When necessary due to the severity of the participant's disability or the lack of other transportation options, NYSCB may pay an individual to provide travel aide services for a participant. Travel aides will be paid minimum wage. This rate can only be exceeded with senior counselor approval and case documentation indicating that a travel aide cannot be secured at minimum wage. A member of the participant's family who customarily provides travel assistance or an individual already receiving payment by NYSCB or a comparable benefit to provide personal assistance services cannot be paid to provide travel aide services.

**Transportation Services During Assessment Services**

NYSCB may pay the actual fare and travel costs to use public or private conveyances for participants during assessment services.

**Transportation Services During Training**

NYSCB may pay the actual costs of public transportation costs (or when appropriate, mileage reimbursement) for

1. travel to training at the beginning and end of the program,
2. travel to and from training at a community rehabilitation program or other training site (except a college or university campus) during any break that is four or more days between when the program ends and begins again. (See Section 10.01, College Training for guidelines for transportation services for college students.)
3. emergency leave from training due to the death or sudden hospitalization of a member of the participant's immediate family (See Section 9.12, Services to Family Members for the definition of family member); and
4. daily travel to and from training for commuting participants.

Transportation services will not be paid for overnight or weekend travel unless required by the training program.

**Transportation Services During a Job Search**

The actual fares and travel costs to use public or private conveyances may be paid for participants to attend job clubs, conduct a job search and travel to job interviews, when planned by the VR counselor and participant. Travel receipts must be submitted to the VR counselor to receive payment.

**Transportation Services When Relocating for Employment**

Allowable relocation expenses may be paid by NYSCB for the permanent relocation of a participant (or a participant and their family), when relocation is necessary for the participant to obtain employment, employment has been secured and the participant met economic need prior to obtaining employment.

Allowable Relocation Expenses

Individuals who meet the criteria for reimbursement for relocation expenses can be reimbursed their actual costs up to a maximum of \$1,500 for either an in-state move or an out-of-state move. The level of reimbursement will require three bids. Allowable relocation expenses include:

1. actual cost of moving household goods by commercial carrier or rental truck/trailer;
2. actual cost of packing and unpacking if performed by a vendor and not included in the costs in #1 above;
3. cost of meals and lodging (for the participant only), during transit in accordance with established per diem rates. See Section 9.06, Maintenance, for additional information; and
4. cost of tolls and mileage at the state-approved rate for automobile travel, rental truck/trailer, or the fare of a common carrier if not using a private automobile (if not included in the costs in #1 above).

Receipts for meals, lodging and tolls must be submitted to the VR counselor to receive payment.

Transportation Services During Post-Employment Status

Transportation services may be provided as a post-employment service to enable a participant to engage in other VR services.

Economic Need

The provision of transportation services is not contingent on the participant's economic need status when provided in support of assessment services, when provided in support of other services which are not contingent upon economic need; and when provided to enable the participant to attend an administrative review, mediation or an administrative hearing.

The provision of all other transportation services is contingent on the participant's economic need status.

See Chapter 5.00, Determination of Economic Need, for additional information.

Comparable Benefits

Available comparable benefits must be used prior to authorizing transportation. See Chapter 11.00, Comparable Services and Benefits, for additional information.

Payment of Transportation Services

When payment is to a contract agency, the agency should provide the participant with transportation money only for days in attendance and bill NYSCB accordingly.

When payment is directly to a participant, the VR counselor should inform the participant that they are required to provide documentation of transportation expenses, the type of transportation used and the dates that the transportation occurred. Mass transit, with published rates, do not require documentation.

For relocation expenses, when the actual costs are not known in advance, the participant can receive reimbursement for allowable costs upon submittal of receipts to the VR counselor.

## **INTERPRETER SERVICES FOR INDIVIDUALS WHO ARE DEAF-BLIND**

9.08.01

### Introduction

NYSCB provides interpreter services for individuals who are deaf-blind to facilitate effective communication during the VR process.

See Section 1.02, Guidelines for Communication, for additional information.

### Purpose and Scope of Services

The purpose of interpreter services is to facilitate the exchange of information between the participant who is deaf-blind and the VR counselor to enable the participant to be actively engaged in the VR process.

Interpreter services will be provided during contacts between the VR counselor and the deaf-blind participant and during the provision of VR services.

A team of deaf-blind interpreters may be required for a session depending on the expected length, location, content and communication level of the participant. This decision will be made in consultation with the initial interpreter or interpreter coordinator in advance of the session.

### Who May Benefit from Interpreter Services?

Interpreter services will be provided for deaf-blind participants who have a significant hearing loss which prevents adequate speech discrimination or to facilitate two-way communication so that deaf-blind participants have equal access to all VR services.

### Qualifications for Providing Interpreter Services

Interpreters services are provided by interpreters who are certified by the Registry of Interpreters for the Deaf (RID) and/or the National Association of the Deaf. If a certified interpreter is not available, a non-certified interpreter may be used, provided the participant agrees.

### Assessment of Communication Skills

When necessary, the deaf-blind participant's communication skills should be evaluated by a credentialed evaluator to determine the best means of communication.

## **INTERPRETER SERVICES FOR INDIVIDUALS WHO ARE DEAF-BLIND**

9.08.02

### Economic Need

Interpreter services are not contingent on the participant's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing interpreter services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

## **INTERPRETER SERVICES FOR NON-ENGLISH-SPEAKING INDIVIDUALS**

9.09.01

### Introduction

NYSCB provides foreign language interpreters for participants who do not speak English to enable them to engage in the VR process and communicate in their native language.

See Section 1.02, Guidelines for Communication, for additional information.

### Purpose and Scope of Service

The purpose of interpreter services is to facilitate the exchange of information between the participant and the VR counselor to enable the participant to be actively engaged in the VR process.

Interpreter services may be provided during contacts between the VR counselor and the participant and during the provision of VR services.

### Qualifications for Foreign Language Interpreters

Foreign language interpreter services are provided by interpreters who are conversant in both English and the foreign language which they interpret and have a high school diploma or equivalent.

### Economic Need

Interpreter services are not contingent on the participant's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing interpreter services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

Introduction

Medical restoration services (physical or mental restoration) are designed to correct or substantially modify within a reasonable period of time a physical or medical condition which is stable or slowly progressive, and results in a substantial impediment to employability. Medical restoration services are provided to enable a participant to achieve an employment outcome by reducing or eliminating functional limitations resulting from the disability, thus lessening the impediment to employment and providing greater opportunity for vocational success.

Examples

Examples of medical restoration services include the following:

1. Diagnosis of and treatment for mental and emotional disorders by qualified personnel in accordance with state licensure laws
2. Dentistry
3. Nursing services
4. Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment or clinic services
5. Drugs and supplies
6. Prosthetic and orthotic devices
7. Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel who are qualified within state licensure laws
8. Podiatry
9. Physical therapy
10. Occupational therapy
11. Speech or hearing therapy
12. Mental health services
13. Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition of treatment
14. Special services for the treatment of individuals with end-stage renal disease, including transplantation dialysis, artificial kidneys and supplies
15. Other medical or medically related rehabilitation services

**Criteria for the Provision of Medical Restoration Services**

The following criteria must be met prior to authorizing medical restoration services:

1. Participant must be eligible for VR services,
2. Participant has been determined to meet economic need,
3. The physical or mental disability should be stable or slowly progressive,
4. Medical restoration services must be necessary to achieve the employment outcome and included on the IPE,
5. The restoration service(s) must be expected to correct or substantially reduce an impairment that causes a substantial impediment to employment within a reasonable period of time as determined by the nature of the participant's disability, the prognosis regarding life expectancy and employability; and the participant's general health.

Prior to the provision of medical restoration services, the participant must have had a recent examination by a licensed physician or low vision specialist. In some cases, an examination within the past twelve months will suffice, e.g., for participants with certain chronic diseases or disabilities such as controlled epilepsy, congenital defects or those from whom appliances such as orthoses or prostheses are needed. The determination as to whether a more recent exam is needed can be made by the VR counselor in consultation with the senior counselor.

**Consultation with Medical Specialists**

The VR counselor can arrange a medical consultation with an appropriate medical specialist during the provision of medical restoration services. They may also request a second medical opinion when needed to determine the appropriateness of the medical restoration service.

**Provision of Audiological Services**

NYSCB may provide audiological aids to participants who require them to function in employment when the hearing loss meets the definition of severe hearing impairment as documented by an audiologist (See Chapter 8.00, Services for Individuals, who are deaf-blind.) The provision of audiological aids is contingent on economic eligibility unless the participant meets the definition of deaf-blind and is identified as deaf-blind on the VR Intake form/VR Eligibility Determination Worksheet. Many individuals lose hearing as they age. This is a medical issue that must be addressed by a medical care provider.

It is presumed that hearing loss becomes a rehabilitation issue when it meets the definition of severe hearing impairment and directly impacts the participant's ability to engage in the VR process and employment.

#### Provision of Psychological/Psychiatric Services

Psychological and psychiatric therapy may be provided to NYSCB participants who have a mental or emotional disability that can be reduced or substantially modified through the provision of such services. However, psychological or psychiatric therapy is not intended to meet ongoing mental health needs. Participants should be encouraged to use community resources that will be affordable and available after NYSCB funding for this service is completed.

#### Duration of Psychological Services

When psychological and psychiatric therapy is provided it must be short-term in duration, not to exceed 18 months. In all cases of psychological and psychiatric therapy, the VR counselor must arrange a review of the participant's case with the senior counselor every six months.

#### Medical Care for Acute Conditions

NYSCB may provide medical restoration services for treatment of either acute or chronic medical complications that arise out of the provision of other medical restoration services or are inherent in the condition under treatment which if not cared for would complicate or delay the rehabilitation program. If the seriousness of the complication is such that it interferes with the possibility of achieving the employment outcome, it may be necessary to re-evaluate the participant's IPE or determine that case closure is appropriate.

#### Provision of Dental Services

While NYSCB does not assume responsibility for general dental care, dental services may be provided when the dental evaluation indicates that the condition of the teeth and gums are so severe that they will interfere with the participant's ability to achieve an employment outcome.

An evaluation of a participant's dental condition may be indicated when the general and/or specialty medical examination reveal(s) the existence of serious maxillo-facial

## **MEDICAL RESTORATION SERVICES**

9.10.04

problems and/or diseases of the gums and teeth that may cause or aggravate problems of speech, personal appearance, personal adjustment or other specific health problems. Routine dental conditions such as caries, gum abscess or multiple extractions with the provision of dentures do not meet the criteria for provision of dental services.

Dental implants are considered cosmetic restoration and will not be paid for by NYSCB.

### Selection of a Service Provider

For guidance in selecting a service provider See Chapter 3.00, Assessments and Evaluations During the VR Process.

### Economic Need

All medical restoration services, except low vision aids, are contingent on the participant's economic need status.

Low vision aids are not contingent upon economic need.

See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing medical restoration services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Payment of Medical Restoration Services

If no comparable benefit is available for the payment of medical restoration services, NYSCB can purchase the service in accordance with the Medicaid Fee Schedule. For services not included in the Medicaid Fee Schedule, prior approval for the purchase must be obtained from the district manager.

### Introduction

Within the context of an IPE, NYSCB may provide modest home modifications to assist the participant in obtaining access to their house or apartment, or to make features of the residence more accessible. Modest home modifications are minor structural changes such as widening doorways, construction of ramps or installation of lifts, and installation of grab bars in a bathroom. Home modification services must directly benefit the participant in terms of achieving an employment outcome.

Modifications may only be made to those home features that are critical to participation in training to achieve an employment outcome.

All modifications or repairs must follow prescribed federal, state and local standards. Specifications developed by the American National Standards Institute (U.S. Department of Housing and Urban Development) should be consulted when necessary for technical information regarding accessibility. The American National Standards Institute has a website that provides information regarding accessibility issues.

### When to Provide Home Modification Services

Home modification can only be provided to participants in accordance with an approved IPE upon completion of a Home Modification Evaluation. An evaluation to determine the need for home modification may be conducted during Status 02 or 06. Exceptions to allow for provision of home modification services prior to development of an IPE may only be made

1. with prior written approval of the district manager for modifications costing less than \$50,000, and
2. with prior written approval of the district manager and designated Senior Management for modifications costing \$50,000 or more.

### Limitations on the Provision of Home Modification Services

The following limitations on the provision of home modification services should be discussed with the participant prior to initiating an evaluation for home modification services:

1. Initiation of a Home Modification Evaluation is not a guarantee that NYSCB will finance, in whole or in part, such modifications. It is important to emphasize that just because an evaluator may take measurements in a specific part of the house

or discusses possible modifications, it does not mean that the home will necessarily be modified.

2. NYSCB must consider functional needs of the participant, and the least costly way to meet those needs. Aesthetic issues may only be considered if they do not increase the cost of the project.
3. NYSCB will provide home modification services only once for a participant. If an individual has previously received home modification services, a waiver will only be considered if the circumstances that warrant additional service are beyond the control of the participant (e.g., a house fire). The waiver must be obtained from the district manager and documented in the case record.
4. It is the participant's responsibility to insure, repair and maintain modifications.
5. Only the primary residence of the participant can be modified.
6. No home modification services can be provided to participants who are currently involved in or planning new construction (including any additions) of a home. Individuals planning a new addition should take into consideration accessibility issues. NYSCB can assist by referring or locating a specialist to recommend features that should be considered when building a house or addition.
7. Participants considering a move to a new or different home or apartment may seek consultation on accessibility issues, but should not make assumptions that NYSCB will modify an inaccessible house or apartment after the participant has moved in.

### The Home Modification Specialist

The Home Modification Specialist (Specialist) plays a key role in the home modification process. The Specialist should have sufficient knowledge of disability-related accommodations and construction to develop bid ready specifications while monitoring progress of a contractor. The Specialist does the following:

1. Performs the home modification accessibility evaluation
2. Develops recommendations, specifications, and drawings of the needed modifications and submits the same to NYSCB for its review and approval
3. Answers bidder's questions at the bidder's conference
4. Recommends necessary inspections (and may also obtain them)
5. Monitors the progress of the modification
6. Performs the final inspection that will initiate payment for the home modification services

### Qualifications of Home Modification Specialists

A rehabilitation engineer, architect, contractor, or other individual with sufficient knowledge of disability-related accommodations and construction to develop bid-ready specifications may assume the role of home modification specialist. The program unit home modification coordinator can provide support in locating and must approve a Specialist in the participant's area.

Specialists cannot have a conflict of interest when dealing with either the homeowner or the contractors. The Specialist or their employer is therefore prohibited from bidding on the modifications.

### Payment to Home Modification Specialists

Specialists are paid at an appropriate hourly rate, not to exceed \$100/hour. Specialists may be paid for on-site services and report preparation for up to 12 hours. Up to 12 additional hours may be authorized with senior counselor approval. The district manager must approve any authorizations above a total of 24 hours. The Specialists may also be reimbursed for travel time and travel expenses in accordance with the "Individual Private Vendor Mileage Reimbursement" policy (See Chapter 16.00, Private Vendors, for additional information.) In consultation with the program unit home modification coordinator, the VR counselor will issue payment to the Specialist.

Contingent upon submission and approval of appropriate documentation, Specialists can expect to receive payment at the following points in the home modification process:

1. Upon submittal of the Initial Assessment of the Scope of the Project
2. Upon submittal and acceptance of the formal Home Modification Evaluation Report
3. If they continued to monitor the home modification project, upon completion of the modification and the Specialist's submittal of a final inspection report confirming the work has been completed satisfactorily

### Expenditure Review/Approval

The total cost of home modifications may not exceed \$49,999 unless previously approved by both the district manager and designated senior management. Most modifications will cost considerably less than this amount.

## HOME MODIFICATION SERVICES

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The senior counselor and the district manager must approve every IPE and all expenditures involving home modifications. Plans to provide home modifications should be discussed with the senior counselor prior to development of the IPE.

### Economic Need

Home modification services are contingent on the participant economic need status. (See Chapter 5.00, Determination of Economic Need, for additional information.)

Home modification assessments are not contingent on the participant's economic need status.

### Participants Who Do Not Meet Economic Need

If a participant does not meet economic need criteria but wishes to proceed with having the work done at their own expense, the VR counselor will provide the participant with a copy of the Home Modification Evaluation Report. Prior to providing a copy of the report, the VR counselor must ask the participant to sign a document stating that the participant understands that NYSCB has no further obligations or responsibility in relation to any home modifications pursued by the participant.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing home modification services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Preliminary Steps

Before beginning the home modification process, the VR counselor should discuss the "Limitations on the Provision of Home Modifications" with the participant as outlined on the first two pages of this policy.

In addition, the following steps should be taken before beginning the home modification process:

1. Discuss with the participant any accessibility problems that interfere with their ability to participate in training or employment (home or community based).

## HOME MODIFICATION SERVICES

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2. Conduct a task analysis of the essential functions that the participant must perform to engage in training or employment. The VR counselor may choose to consult with a rehabilitation teacher, occupational therapist (OT), physical therapist (PT) or other qualified professional to confirm the need for modification services and identify the modifications needed to enable the individual to perform the essential functions identified in the task analysis. The VR counselor makes the final determination regarding the necessary home modifications. The results of this consultation will be shared with the Home Modification Specialist who will conduct the formal assessment.
3. Ascertain if the participant is currently involved with or planning new construction of a home or plans to move. If so, no home modification services can be provided at the participant's current residence.
4. Determine whether NYSCB has provided home modification services in the past. If modifications were made, determine if circumstances requiring additional modification services are beyond the participant's control. Under those conditions, the district manager may approve a waiver to provide the additional service. If the conditions were not beyond the participant's control, no additional modification services may be provided.
5. Explore with the participant the feasibility of moving the participant to a more accessible location. Moving expenses are allowable if those expenses are less costly than provision of home modifications to the individual's current residence (See Section 9.07, Transportation for information regarding allowable relocation expenses). Temporary or portable modifications should also be explored.
6. Obtain written assurance from the participant that they intend to stay in the residence to be modified.
7. Explore resources for comparable benefits, e.g., Medicare, Office for the Aging Home Care Program, Medicaid Home and Community Based Waiver, Social Security (Impairment Related Work Expense program and PASS), independent living centers, Rural Housing Administration, Equipment Loan Fund, realty associations, Division of Veterans Affairs, service clubs, or participant contribution.
8. If someone other than the participant owns the property, obtain written permission from the owner to perform the modification.
9. Provide the participant with the NYSCB *Participant Handout on Home Modifications*.

10. Include Home Modification assessment on the IPE and document the participant's responsibilities and understanding of the limitations on the provision of this service.

### Assessing the Need for Home Modification Services

Based on the VR counselor's analysis of the tasks to be performed by the participant and any OT/PT assessments, the VR counselor should provide information to the program unit home modification coordinator regarding the functional needs to be evaluated in relation to the participant's employment goal. The program unit home modification coordinator will coordinate with the VR counselor and the Home Modification Specialist to monitor implementation of the home modification(s). The program unit home modification coordinator will do the following:

1. Locate a Specialist to perform an initial assessment of the scope of the proposed home modification. The program unit home modification coordinator will provide the Specialist with a copy of the *Home Modification Guidelines for Home Modification Specialists*.
2. Require the Specialist to provide, within 10 business days of the Specialist's visit to the participant's home, a written "Initial Assessment of Scope of the Home Modification Project" report containing the following information:
  - a. The scope of home modifications recommended i.e., what will be involved in modifying each area of the home for which the VR counselor requested assessment. No detailed drawings or specifications are developed at this time.
  - b. A list of associated adaptive equipment recommended for the participant.
  - c. Estimated costs for recommended modifications and adaptive equipment.
  - d. Necessary inspections to determine whether existing systems in the home comply with applicable codes for the recommended modifications. In all instances, the participant is responsible for the costs to bring the residence up to code. For example:
    - i. If a wheelchair lift is recommended, an electrical inspection may be needed.
    - ii. If a roll-in-shower is recommended, a plumbing inspection may be needed.

- e. Estimated time frame for completion of the project.
- f. If the participant is having other non-NYSCB funded work done on the house, recommend which component (participant renovations or NYSCB sponsored home modifications) should take place first. The Specialist should have discussed the impact of proposed home modifications with the contractor for the other renovations.
- g. Possible alternative devices or accommodations considered which would negate the need for some or all the modifications.

#### Determination of Home Modification Services to be Provided

Before meeting with the participant, the VR counselor must review/discuss the outcome of the assessment and possible options with the senior counselor. The VR counselor should then:

1. meet with participant to discuss the Specialist's recommendations, results of the discussion with the senior counselor, cost estimates, inspection results, and relevance of the modifications to the participant's goal to determine what home modifications and associated adaptive equipment will be provided, if any;
2. confirm that the Specialist or participant has coordinated/obtained any needed inspections/certificates required by local village, town, county or state ordinances; and
3. enter the Home Modification service, along with any comparable benefits and specific responsibilities and understandings of the participant, onto the IPE, obtaining both the senior counselor and district manager's approval.

#### Final Approval

It is the VR counselor's responsibility in consultation with the senior counselor to determine which modifications, if any, are necessary to enable the participant to reach the vocational goal, and to make the final determination of which recommended home modifications to purchase.

Procedure to Obtain Home Modifications

Upon approval of the home modification(s) to be completed and inclusion of home modifications and related equipment on the IPE, the VR counselor must do the following:

1. Review the Fiscal Procedures in this chapter.
2. Verify that the appropriate documentation has been completed, including the following:
  - a. Specialists' "Initial Assessment of Scope of Home Modification Project."
  - b. Statement of Understanding of Limitations on the Provision of Home Modification Services on the IPE
  - c. Waiver for Second Home Modification (if required)
  - d. Participant's written intent to remain at the residence
  - e. Landlord's written permission to conduct home modification on premises (if required)
3. Obtain approval from the senior counselor for the recommended home modifications and advise the program unit home modification coordinator of the modifications and equipment to be provided. The program unit home modification coordinator will contact the Specialist with the information provided by the VR counselor and request a written "Home Modification Evaluation Report" to include all of the following information to seek proposals to do the work:
  - a. Detailed specifications, including related plumbing and electrical work
  - b. "Building permit ready" drawings
  - c. Estimated cost of home modifications
  - d. Estimated time frame for completion of the job
  - e. Names and contact information for potential bidders for the work (if possible)

The Home Modification Evaluation Report must be submitted within 20 business days of the meeting with the participant to agree on the work desired.
4. Review the report with the program unit home modification coordinator and/or the Specialist prior to meeting with the participant, and owner if applicable, to obtain final approval of home modification plans.
5. Review the specifications and drawings with the participant, and property owner if applicable, for final approval. Any changes requested by the participant or

property owner must be reviewed and approved by the Specialist (this can be accomplished through a phone call from the participant's home). If the changes will result in more than \$1,000 additional costs beyond the estimated cost in #2.c. above, senior counselor approval must be obtained and documented in the case record.

6. Obtain signatures from the participant and from the property owner (if different from the participant) indicating approval of the planned home modifications.

### The Home Modification Evaluation Report

Within 10 days of receipt of the final Home Modification Evaluation Report, the VR counselor and the program unit home modification coordinator will determine whether the report is correct and complete. When necessary, appropriate revisions must be incorporated into the report. The VR counselor should keep a copy of all materials related to the home modification in the case record.

The estimated cost of the home modification will determine next steps in the process.

### Pre-Bidder's Conference

All contractors must participate in a pre-bidder's conference so that they can fully understand the job before submitting a proposal.

If it is anticipated that the cost of home modifications will be under \$50,000, the program unit home modification coordinator, in consultation with the VR counselor may propose a date(s) acceptable with the participant for the pre-bidder's conference to take place in the participant's home. As a general rule, the pre-bidders conference should take place approximately four weeks from the date of receipt of the Home Modification Evaluation Report. See Fiscal Procedures in this chapter for additional information.

The program unit home modification coordinator will establish dates for a Pre-Bidders conference associated with the formal bidding process for modifications costing \$49,999 or more. See Fiscal Procedures in this chapter for additional information.

### Implementation of the Home Modification, VR Counselor's Role

Following selection of a contractor to complete the home modification, the VR counselor should maintain contact with the participant and the Home Modification

Specialist to ascertain and document that the work is completed as specified. However, general responsibility for monitoring implementation of the modification(s) is the primary responsibility of the program unit home modification coordinator.

#### Role of the Home Modification Specialist During Implementation of Home Modification

During the implementation of the home modification, the Specialist may

1. assist in the scheduling/initiation of the home modification and follow the progress of the contractor;
2. if the modification is complicated, or problems are foreseen, perform interim inspection(s);
3. mediate any needed problem resolution/recommend remedial action; and
4. at the completion of the work by the contractor, make a final inspection, including verification of receipt of "Certificate of Occupancy" and provide a written report documenting that the home modification work is complete.

If the Home Modification Specialist is not available, the program unit home modification coordinator may assume the role of the Specialist during the implementation phase of the Home Modification.

#### Role of VR Counselor at Completion of the Home Modification

Upon completion of the Home Modification, the VR counselor must

1. within 7-10 days of the completion of the home modification, confirm with the participant that the work was completed to the participant's satisfaction;
2. upon confirmation by the Specialist or program unit home modification coordinator that the work was completed satisfactorily, submit related receiving report;
3. if the Specialist monitored the home modification through confirmation of satisfactory completion of work, authorize final payment to the Specialist; and
4. advise the participant that as discussed earlier in the process, upon completion

## HOME MODIFICATION SERVICES

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of the home modification, responsibility for maintenance and repair not covered under the contractor's warranty, as well as for removal, site restoration, or replacement rests with the participant.

### Fiscal Procedure - Projects That Have a Total Cost of less than \$ 15,000

Upon receipt of recommendations for the home modification service, if the total cost is less than \$15,000, the following procedures will be followed:

1. NYSCB home office staff will review the project proposal, including all materials sent by the VR counselor, and send the project proposal to approved contractors along with the NYSCB-designed bid form. Contractors will submit their bids by the date indicated on the bid form.
2. NYSCB Home Office will review all bids received, however in the event less than three bids are received, a justification must be provided explaining why three bids could not be obtained. This information will then be forward through the OCFS/NYS purchasing approval process.
3. The bid information will be reviewed, a requisition will be submitted for review and approval, and a purchase order will eventually be issued by the BSC to the winning bidder (provided that the bidder can meet all the specifications outlined in the project proposal). A copy of the approved purchase order will be provided to the contractor awarded the home modification project.
4. NYSCB Home Office will provide documentation of approval to the originating VR counselor with the purchase order number and dollar amount. The District Office will file the documentation of approval in the participant's record of service and will apply the total dollar amount against the District Office's VR allocation.
5. The contractor will be informed by NYSCB Home Office that work should begin as soon as possible. NYSCB Home Office at that time, will provide contact

information to the contractor for fiscal concerns that may arise and will inform the contractor that all other issues regarding the modification should be addressed to the VR counselor.

6. Upon satisfactory completion of the home modification, the VR counselor will submit the invoice information/claim for payment forms to NYSCB Home Office. The request for payment will then be processed in accordance with current policy.

Fiscal Procedures – Projects That Have a Total Cost of more than 15,000.

When a home modification is expected to be more than \$15,000, the following steps should be taken: Generally speaking, NYSCB will not approve modifications of \$50,000 or more.

1. NYSCB Home Office staff will review the project proposal, including all materials sent from the District Office, and schedule the date and time for the pre-bidder's conference to be held at the participant's home, when the participant, VR counselor and/or the Home Modification Specialist can be present. This information along with a list of qualified contractors will be forwarded on for further review based upon current agency policy.
2. If OCFS/NYS requires it, an announcement will be placed in the New York State Contract Reporter and a Request for a Bid for the home modification project indicating the bid opening date will be developed in accordance with current policy. NYSCB Home Office staff will notify potential contractors regarding the date of the pre-bid conference.
3. The pre-bidders conference will be conducted at the specified time. Copies of the Request for Bid, specifications for the project, and architectural drawings will be provided to the attending contractors by NYSCB staff.

## HOME MODIFICATION SERVICES

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4. All contractors who attended the conference and are interested in the project should submit bids to the designated contact at the address provided no later than the date and time specified on the Request for Bid.
5. After the bids due date/time specified in the Request for Bid, all submitted bids will be reviewed, the bidder submitting the lowest cost bid will be selected. NYSCB home office will then process the needed paperwork and inform the winning bidder.
6. After NYSCB receives all necessary approvals NYSCB will provide the information to the awarded contractor.
7. NYSCB Home Office staff will provide a copy of the relevant documentation to the originating VR counselor with the purchase order number and dollar amount. The District Office will file the documentation in the participant's case record and apply the total dollar amount against their VR allocation.
8. The contractor will be informed by NYSCB Home Office that work should begin as soon as possible. NYSCB Home Office at that time, will provide contact information to the contractor for fiscal concerns that may arise and will inform the contractor that all other issues regarding the modification should be addressed to the VR counselor.
9. Upon satisfactory completion of the home modification, the VR counselor will submit the invoice information/claim for payment forms to NYSCB Home Office. The request for payment will then be processed in accordance with current policy.

## SERVICES TO FAMILY MEMBERS

9.12.01

### Introduction

VR services may be provided to family members of a participant if necessary to enable the participant to achieve an employment outcome.

The purpose of providing services to family members is to address issues within the family which have a negative impact upon the participant's adjustment or rehabilitation to the extent that they would be unable to begin or continue their IPE or employment would be unnecessarily delayed or could not be achieved

### Definition - Family Member

For the purposes of this service, family member means an individual who

1. is a relative or guardian of an applicant or participant; **or**
2. lives in the same household as an applicant or participant, has a substantial interest in the well-being of that individual **and** whose receipt of VR services is necessary to enable the participant to achieve an employment outcome.

### Criteria for Provision

To provide services to family members, the services must be

1. provided only to those individuals who meet the definition of family member;
2. planned with the participant, documented in a case note, and entered on the participant's IPE;
3. necessary for the participant to achieve their vocational goal; and
4. unavailable through existing community resources, agencies, or comparable benefits.

### Scope of Services

Services to a family member may include any of the VR services available to participants during the VR process.

### Examples

Examples of the provision of Services to Family Members:

1. A participant is unable to engage in vocational training (which must begin in July or be delayed indefinitely) because they have no one to care for their two young children while school is out of session. This participant is unable to pay for day care services and is not eligible for temporary assistance. After an unsuccessful search of community resources, the VR counselor has arranged to pay for summer day care thus enabling the participant to participate in the needed training.
2. A participant who has recently become blind due to trauma has applied for VR services and is anxious to develop and implement an IPE. However, the VR process is being delayed because the participant's concern for their spouse who is having difficulty adjusting to the participant's move toward greater independence. Counseling services may be provided to the spouse or to the couple to assist in their adjustment to the participant's efforts toward rehabilitation.

### Ending Services to Family Members

Services to family members should end when

1. the service is no longer needed,
2. the service no longer contributes to achievement of the participant's employment outcome, or
3. the participant's case is closed.

### Documentation

When services are provided to members of a participant's family, the case record should be documented to include

1. what services are needed,
2. which family member or members need the services, and
3. how the services are expected to contribute to achievement of the participant's employment outcome.

**Economic Need**

The provision of services to family members is subject to the same economic need criteria as the provision of services to VR participants. See Chapter 5.00, Determination of Economic Need, for additional information.

**Comparable Benefits**

Available comparable benefits must be used prior to authorizing services to family members. See Chapter 11.00, Comparable Services and Benefits, for additional information.

Introduction

Reader services include

1. reading and recording class notes for later listening by the participant;
2. recording textbooks or other printed materials;
3. taking notes in classes or other training situations;
4. use of amanuensis during tests or written examinations;
5. use of a laboratory assistant when a participant must participate in laboratory experiments or exercises;
6. reading work-related materials for a participant in an employment setting; and
7. purchase of assistive technology that assists with access to educational material (Example: JAWS software for student to have tests read to them; braille printer to prepare accessible materials; notetaking software and devices, hearing magnification systems such as an FM System or Roger Pen). Personal technology is not part of readers aid supports.

Who Provides Reader Services

Reader services are available through the "Readers' Aid Program" administered by the New York State Education Department Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR).

NYSCB provides reader services as a supplement to the Readers' Aid Program and to participants who are not eligible for services through the Readers' Aid Program. See Section 9.13, Reader Services, for additional information.

Who May Receive Reader Services

Reader services are available to participants who are:

1. engaged in training at a college or university;
2. attending vocational, technical and business schools;
3. in other training situations where significant amounts of reading are essential to the completion of the training program; or
4. have obtained employment where reader services are essential to support the placement. These reader services can only be provided while the participant's case is open.

Criteria for Receiving Reader Services Through the Readers' Aid Program

To receive funds from the Readers' Aid Program, a participant must

1. be a legal resident of New York State;
2. be legally blind (20/200 vision in the better eye with best correction, have; profound hearing loss (70dB or more, or a speech discrimination of less than 70%);
3. be matriculated or actively working to earn a certification through an institution of higher education authorized by law to grant degrees, and if in New York State, approved by the New York State Board of Regents; and
4. be enrolled in a non-degree granting proprietary school in New York State.

Guidelines for Readers' Aid Funds

Readers' Aid funds are limited to a maximum amount of funds per academic year determined by the NYS Education Department. The following procedures or provisions apply to the use of those funds:

1. Readers' Aid funds can only be used for the first five services listed in the Introduction above.
2. Readers' Aid funds cannot be used for tuition, room and board, tutoring, supplies, textbooks or guide services.
3. Readers and notetakers cannot be members of the student's immediate family without requesting and justifying the need for same in writing.
4. Readers are paid by the college or university upon receipt of bills, along with time sheets (available through ACCES-VR), approved by the student.

How to Apply for the Readers' Aid Program

Students must apply **directly** to the college or university for **each** semester for which Readers' Aid is desired. The first application for Readers' Aid must be

1. on the standard application form (available from ACCES-VR),
2. accompanied by a medical eye report from a certified ophthalmologist or certification of legal blindness by NYSCB, and
3. submitted to the school after school registration.

Application Deadlines

Applications for the fall semester must be received at the institution by September 30. Applications for the spring semester must be received at the institution by February 1.

Guidelines for NYSCB Supplemental Reader Funds

NYSCB may provide reader funds to NYSCB participants who are attending college and not otherwise eligible for the Readers' Aid Program (New York State Education Department, NYSED). NYSCB may also supplement the funds provided by the Readers' Aid Program when the VR counselor can demonstrate or document the need for additional reader use or costs beyond that provided by the NYSED.

NYSCB may also provide reader service funds for non-college participants if

1. reader assistance is essential to support training or placement as established on the approved IPE, and
2. there is no viable alternative such as volunteer readers, magnification devices, braille, or large print resources.

NYSCB cannot pay for reader services provided by a member of the participant's family or household, unless requested by the participant, documented as necessary and approved by the senior counselor.

Participant Responsibility

Participants are responsible for

1. locating readers,
2. maintaining time sheets required by NYSCB,
3. utilizing volunteer readers wherever possible,
4. supplementing paid reader services with volunteer resources when needed, and
5. budgeting their reader funds allocation.

Maximum Payment Amounts

1. The total amount of reader funds provided by NYSCB and NYSED to participants attending college should not exceed \$4,000 per academic year. This amount can only be exceeded with senior counselor approval, the decision must be documented in the case record.

## READER SERVICES

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2. NYSCB can provide up to \$4,000 per calendar year of reader services to participants not attending college when reader services are necessary to support training or placement. This amount can only be exceeded with senior counselor approval and case documentation.

### Rates Paid to Readers

Hourly rates for reader services will be negotiated on an individual basis by the participant and the reader but should not exceed \$15/hr.

### Economic Need

Reader services are not contingent on the participant's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Introduction

Personal assistant services are a range of services, including, training in managing, supervising, and directing personal assistance services provided by one or more persons that are:

1. designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability,
2. designed to increase the individual's control in life and ability to perform everyday activities on or off the job,
3. necessary to the achievement of an employment outcome, and
4. provided only while the individual is receiving other VR services.

### Scope of Services

Personal assistance services are provided for participants whose secondary disability(ies) limit their physical functioning and mobility to the degree that a personal assistant is required to enable the participant to achieve an employment outcome. Personal assistance services include but are not limited to assistance with personal hygiene, mobility, eating, dressing, errands and incidental communications.

Personal assistance services can only be provided by NYSCB as a supportive service to another VR service. It can be authorized only when the participant is engaged in another VR service or preparing to access another service. Both the personal care service and the VR service being supported must be entered on the IPE.

Personal assistance services are not intended to supplant the care customarily provided by family members.

### Evaluation of Need for Personal Assistance Services

A participant will be evaluated by a physician, occupational therapist, physical therapist or other appropriate professional having the skill and knowledge to determine the participant's personal assistance needs. In some cases, participants may be referred to NYSCB with adequate information concerning their personal assistance needs. If this information is current and sufficiently comprehensive, it may be used in lieu of an evaluation.

### Recruiting a Personal Assistant

To provide flexibility and choice in obtaining personal assistance services, NYSCB will inform participants of the availability of Consumer Directed Personal Assistance Programs (CDPAPs). These programs allow participants to recruit, hire, train and supervise their own attendants while a vendor agency handles the administrative tasks and provides training and support to the participant.

Personal assistants may be recruited through the following resources:

1. The participant's informal network of family and friends
2. Local NYSCB district office
3. Local independent living centers
4. Local department of social services
5. Community service organizations
6. Work study programs and personal assistants' referral services at colleges
7. Public and private home health care agencies
8. Waiver programs

### Selecting a Personal Assistant

Personal assistants will be selected by the participant and VR counselor based on their ability to fulfill the participant's identified needs, and their rapport with the participant.

### Participant and VR Counselor Involvement

Some participants may initially require assistance from their VR counselor for recruiting, training and supervising their attendants. This may be coordinated by the VR counselor with the participant through an independent living center, occupational therapist, physical therapist, disabled students program or other appropriate source.

Participants who have demonstrated the ability to self-direct their personal assistance services should be encouraged to recruit, hire, train and supervise their attendants.

The VR counselor will act as a facilitator, assisting the participant with any problems as well as compliance with NYSCB standards. The participant should notify the VR counselor about any unresolved problems as soon as they occur.

## PERSONAL ASSISTANCE SERVICES

9.14.03

### Continuation of Personal Assistance Services During Employment

If needed, a transitional period of up to 90 days of personal assistance services may be provided after employment while arrangements are being made for personal assistance services to continue when NYSCB sponsorship ends.

### Termination of Personal Assistance Services

Personal assistance services will be terminated when the service is no longer needed or the participant's case is closed.

### Economic Need

Personal assistance services are not contingent on the individual's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing personal assistance services. When personal assistance services are provided on an ongoing basis by another resource (i.e. Medicaid) prior to the participant's involvement in VR services, that resource should be considered as a possible comparable benefit. See Chapter 11.00, Comparable Service and Benefits, for additional information

### Payment

Payment for personal assistance services may not be made to a member of a participant's family which includes spouse; parents; stepparents; grandparents; children; and spouses of children.

When a Medicaid provider is used, payment will be the Medicaid provider rate.  
When a non-Medicaid provider is used, payment will be at the minimum wage.

Minimum wage can be exceeded with senior counselor approval and case documentation indicating that a Medicaid provider or a provider accepting minimum wage cannot be found. However, when an agency or an individual provider is used, payment should not exceed the rate charged to other recipients of their services.

### Introduction

Occupational and professional licenses are licenses, permits or other written authority required by a state, city, or other governmental unit to enter an occupation or become self-employed. Occupational and professional licenses are provided as part of the IPE to increase the participant's prospects of employment or self-employment.

### Who May Receive An Occupational and Professional License?

Occupational and professional licenses are provided to those participants who require such license to enter employment or self-employment in accordance with their IPE goal.

Prior to developing an IPE with a vocational goal that requires special licensing it is important to first determine if conditions exist that prohibit the participant from obtaining the required license.

### Examples

Examples of occupational licenses:

1. Realtor license - purchased after the participant successfully completes a real estate training course and passes the required examinations in the state
2. Food service license - required by either local, county, or state government for the preparation and selling of food
3. License to operate a business for self-employment

Examples of professional licenses:

1. Law - a person must pass the New York State Bar exam before practicing law within the state
2. Registered Nurse - a person must pass the nursing board exam before being qualified to work as a registered nurse
3. Certified Public Accountant - a person must pass the certification exam administered by the State Education Department

### Review Courses for Occupational Professional Licensing Exams

Review courses for occupational or professional licensing exams can be provided when the course will enable the participant to review information necessary to pass the exam

## OCCUPATIONAL AND PROFESSIONAL LICENSES

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and enter employment in accordance with their IPE goal. Review courses must be provided by a certified program and approved by the district manager.

### Payment for Licensing Exams

NYSCB will support three attempts to pass an initial occupational or professional licensing exam. Support can include tuition, fees and necessary adjunct support service costs.

If a participant is unable to pass an occupational or professional licensing exam after three attempts, the VR counselor and participant should discuss alternative employment options. The IPE may need to be changed to reflect a more readily attainable goal. Skills developed during training for the previous IPE goal should be evaluated to determine if they are transferable to an alternative occupation.

### Economic Need

Occupational and professional licenses and review courses are contingent on the participant's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Available comparable benefits must be used prior to authorizing occupational or professional license services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Introduction

Training is provided in accordance with an approved IPE to enable a participant to achieve their vocational goal. The type and length of training provided is determined based on the needs of the participant and the type of preparation required by the selected vocational goal.

### Types of Training

There are several types of training described in this chapter:

<b>Training</b>	<b>Sections 10.00 – 10.07</b>
College Training	Section 10.01
Vocational, Technical, Business School Training	Section 10.02
Other Academic Training	Section 10.03
Work Experience Training	Section 10.04
On-the-Job Training	Section 10.05
Work Try-Out	Section 10.06
Job Coaching	Section 10.07
Vision Rehabilitation Therapy	Section 10.08
Orientation and Mobility	Section 10.09
Training in Community Rehabilitation Programs	Section 10.10

### Comparable Benefits

Available comparable benefits must be used prior to authorizing training services. See Chapter 11.00, Comparable Services and Benefits, for additional information.

### Economic Need

Some training services are provided without regard to economic need. Others are contingent upon economic need. Refer to the specific training section to determine whether that training is contingent upon economic need, and see Chapter 5.00, Determination of Economic Need, for additional information.

### Introduction

College is considered a form of vocational training and should only be authorized when necessary to achieve the participant's vocational goal. The participant should understand that the appropriateness of the vocational goal on the IPE and college training will continue to be evaluated on an ongoing basis. Attendance at NYSCB programs that prepare participants for college should also be discussed and explored to help determine if they are ready to attend a college program.

The discussion about the appropriateness of college training can be challenging. There may be times that the VR counselor and the participant are not in agreement regarding the vocational goal and a more appropriate goal needs to be discussed. Lacking agreement, participants must be provided a rationale for the decision, notified of their rights under the appeals process and given information about the Client Assistance Program (CAP).

### What is College Training

College is academic training provided at the post-secondary level. It includes undergraduate and graduate courses at an accredited university, college, junior college, online or extension program and tutorial training.

### Accreditation

NYSCB will use only those colleges, universities and other degree granting institutions, including correspondence or online programs, accredited by a regional accrediting body recognized by the U.S. Department of Education or approved by the New York State Board of Regents. Exceptions may be made where accreditation is pending or conditional and/or the course of study is sufficiently unique to justify use.

NYSCB reserves the right to review and disapprove the use of a college or university program that is not accredited.

### Cutoff Dates for College Sponsorship

Participants who are interested in pursuing college training should notify their VR counselor by May 1<sup>st</sup> for the Fall semester and September 1<sup>st</sup> for the Spring semester. These cutoff dates have been established to allow adequate time to develop an appropriate IPE and to determine whether or not the participant meets the criteria for college sponsorship. Exceptions to these cutoff dates may be made by the senior counselor upon request by the VR counselor.

Work Opportunities for Students in College

Developing skills in a real work environment is critical for young adults and for older adults who have not had on-the-job experience. Work experiences along with education and training help to build resumes that enable individuals to successfully compete for jobs. NYSCB encourages those who attend college to participate in work experiences or internships during summer breaks and, if possible, during the school year. Preferably, some or all of the work experience will be related to the student's job goal.

Length of Training

NYSCB expects participants to complete their undergraduate and graduate programs within the customary attendance period (e.g., bachelor's - four years, associate's - two years). NYSCB does recognize that individual circumstances may sometimes interfere with the ability to do this. NYSCB may provide financial sponsorship for up to one semester in addition to each year of coursework required by the educational institution for the participant to complete their academic program. The typical attendance period can only be exceeded with documentation of the reasons for the extension in the case record and senior counselor approval. Below is a chart to help determine the maximum number of additional semesters that can be authorized if approved:

<b>Customary Length of Program</b>	<b>Additional Semesters</b>
4-year (8 semesters)	2-year (4 semesters)
2-year (4 semesters)	1-year (2 semesters)
18 months	1.5 semesters
1-year (2 semesters)	½ year (1 semester)

Time off in between semesters where NYSCB has not provided any sponsorship does not count toward the maximum number of semesters.

Examples of situations that may warrant exceeding the typical attendance period:

1. Equipment needed by the participant for their college courses was not received on time or in proper working order
2. The participant or their family member developed a medical problem which interfered with the participant's ability to attend college
3. The participant needs to reduce the number of credits taken in one semester to successfully manage their coursework. This needs to be approved by the senior counselor.

Graduate School Sponsorship

NYSCB sponsors training beyond the baccalaureate level only in instances where entry into the selected professional field of work requires completion of graduate or professional school training as documented on the IPE.

Graduate School IPE

Graduate school training should only be indicated as a service on the IPE after the successful completion of four semesters of undergraduate college study. This will be discussed with the participant and documented in a case note when a vocational goal is agreed upon that requires graduate school.

The amended IPE must be developed in accordance with the procedures in Chapter 6.00, IPE and prior to implementation must be signed by the district manager.

Part-Time Sponsorship

Part-time college training is defined as less than 12 credit hours of training per semester. Part-time study may be sponsored at any time during college training with VR counselor approval.

In approving part-time sponsorship, the VR counselor should inform the participant that part-time study may impact on their ability to complete college within the length of training allowed under NYSCB policy. If necessary, participants should be encouraged to take courses during summer session, mini-semester and intersession to complete their studies within the limits on length of training established by NYSCB.

College Training - Out-of-State/Foreign Country

College training may be sponsored in out-of-state schools. When attending an out-of-state program, participant should be advised of resources in that area such as the VR agency in that state. VR counselors maintain responsibility for service coordination and need a signed Release of Confidential Information to coordinate any needed services while attending the out-of-state program.

Students who attend college outside of New York State will receive sponsorship at the same level of financial support as they would if they attended a college within New York State.

College training in foreign countries is not sponsored by NYSCB. However, a student matriculated in an American university may participate in a semester/year abroad if required by their program. Expenses for tuition, transportation, and room and board are limited to the amount paid while the student is in the school in which they are matriculated. Excess expenses such as increased transportation costs and room and board incurred during foreign study are the responsibility of the student.

#### Online Degree and Certification Programs

College training through online programs may be sponsored when the VR counselor deems the program to be the most appropriate training program for the participant. The decision will be based upon the fact that

1. the training program is not available through other sources, OR
2. it is not feasible to utilize other available resources, AND
3. the training program will adequately prepare the individual to achieve their vocational goal.

This decision must be documented in a case note.

All college training needs to be provided by accredited programs. VR counselors will need to verify that the online program is accredited by a regional accrediting body recognized by the U.S. Department of Education or approved by the New York State Board of Regents.

#### Summer, Mini-Semester or Intersession Sponsorship

Summer session, mini-semester, and/or training during intersession is only provided

1. to advance the date of completion of a program;
2. to enable a participant to complete their college program within the limits on length of training established by NYSCB;
3. to enable a participant to take required or sequential courses which would not be available at any other time;

4. as necessary, when a participant's disability restricts the number of credits to be taken per semester or trimester;
5. to enable a participant to complete a previously failed course within the time restrictions of this policy; and
6. when the program schedule includes mandatory summer courses.

### Selecting A College

When selecting the most appropriate school the following questions must be addressed:

1. Will the education and training provided prepare the participant for their vocational goal?
2. Does the school meet established standards for accreditation set forth in this chapter?
3. Is the school able to accommodate any disability-related needs the participant may have?
4. Does the participant meet the school's selection criteria?

### Remediation

Some participants may require remediation training to effectively participate in a college program. Efforts should be made to obtain remediation prior to entrance into a college program. When a student is receiving remediation at a college, college policy rates apply, and sponsorship is contingent on economic need.

NYSCB will sponsor one semester of remediation courses. After that semester, it will be expected that the student takes at least 9 hours of credit bearing courses to qualify for sponsorship. The student will be expected to provide grades including information on credits earned, at the end of the semester. If a semester has less than 9 credit hours earned, NYSCB will not continue sponsorship. When provided with a transcript that shows that the student has completed a semester with 9 credits, sponsorship can be reinstated.

For these students, one semester of remediation will replace the trial semester utilized for students who are entering college in credit bearing programs and will not count toward the maximum length of training allowed under NYSCB policy. After the first semester, however, semesters that include remediation courses count toward the

maximum length of college training. Therefore, this factor should be considered when approving remediation as it may affect sponsorship later on for credit bearing courses.

NYSCB will sponsor students for a semester of remediation or a trial semester but not for both.

### Trial Semester

Participants can receive NYSCB sponsorship for up to one semester of part-time or full-time study as a trial semester. A trial semester will not count toward the maximum length of training allowed under NYSCB policy. College policy rates will be applied during trial semesters. Trial semesters are considered to be college training and are contingent upon economic need.

Trial semesters are appropriate when more information is needed to determine the participant's capability of successfully completing the vocational training.

If assistive technology is needed for the trial semester the VR counselor should attempt to obtain the equipment through the equipment loan closet. If the equipment is unavailable through the equipment loan closet the equipment will need to be obtained in accordance with NYSCB policy.

NYSCB will sponsor students for a semester of remediation or a trial semester but not for both.

### Criteria to be Considered in Determining College Sponsorship

The following criteria will need to be considered prior to agreeing to an IPE goal that requires college training:

1. Acceptance by an accredited college or university (including junior college, community college, etc.).
2. Acceptance into a credit-bearing program operating with an open admission policy; the participant must meet the following criteria:
  - a. A high school academic average of at least a "C" (only applicable to students who have graduated within the last five years), **or**
  - b. Be deemed qualified by the VR counselor. This determination shall include consideration of the participant's scoring on college aptitude tests

and any other pertinent information available to the counselor. This determination requires senior counselor input and approval and must be documented in the case file.

In addition, all participants must meet the following criteria:

1. Documentation of independence in mobility skills to travel to, from and about a setting similar to the proposed college environment
2. Documentation of independence in activities of daily living to care for one's daily needs on and off campus
3. Documentation of technology skills that demonstrate the ability to use any necessary adaptive equipment needed to access curriculum and complete assignments necessary to meet their educational requirements

### Pre-College Programs

College students are encouraged to participate in one of the pre-college programs available in the state. These programs focus on providing students with an opportunity to learn about the college environment, develop self-advocacy skills, increase technology skills and writing and learn about their rights and responsibilities as a student with a disability. The pre-college programs help both the VR counselor and the individual discuss whether there are additional services needed before they start college.

### Expectations for College Sponsorship

To continue to qualify for NYSCB sponsorship, the participant must

1. maintain adequate performance (as defined in this section),
2. continue to pursue an approved vocational goal within the context of the mutually developed IPE, and
3. be willing to participate in a minimum of two face-to-face progress reviews per academic year with a VR counselor.

### Adequate Academic Performance

A student will be deemed to have maintained adequate academic performance only if, after the first two semesters of attendance, they maintain a minimum cumulative grade

point average equivalent of a C or 2.0. The student will be expected to maintain the minimum cumulative grade point average each semester thereafter.

If the cumulative grade point average falls below this level, support will continue for one semester while the student attempts to raise their grade point average. During this time, the student must be notified that they are on probationary status and the VR counselor and student should

1. address issues which may have affected their performance, and
2. reassess the appropriateness of the vocational goal and/or college as a means of obtaining that goal.

If unable to raise their grade point average after one semester with NYSCB sponsorship the VR counselor and the student should

1. reassess the appropriateness of the vocational goal and/or college as a means for achieving that goal, and
2. amend the IPE. (See Chapter 6.00, Individualized Plan for Employment.)

If the student is not interested in pursuing an alternative goal, the VR counselor must consider whether they continue to be eligible for services.

NYSCB will not provide any services except counseling, guidance, evaluations and assessments until an amended IPE is developed.

### The VR Counselor's Responsibilities for College Sponsorship

The VR counselor should

1. encourage the participant to seek their own admission to college,
2. offer guidance to the in selecting a particular college to obtain the education necessary to reach their vocational goal,
3. provide the information about reader's aid services (See Section 9.13, Reader Services.),
4. provide information about services available through disability resource centers on campus,
5. assess job readiness before the end of the third year of college, and
6. review the responsibilities listed below with the participant.

The Participant's Responsibilities for College Sponsorship

The participant's responsibilities are to

1. maintain adequate academic performance (as defined in this policy),
2. provide the VR counselor with copies of course grades and/or a transcript after every semester,
3. report any problems affecting their performance to the VR counselor,
4. report any anticipated changes in program to the VR counselor,
5. submit the college's billing statement to the VR counselor if NYSCB is paying for college training,
6. participate in a minimum of two face-to-face progress review meetings per academic year with the VR counselor,
7. work with the VR counselor to explore and apply for comparable benefits,
8. submit written verification of yearly application for comparable benefits funding to the VR counselor,
9. notify the VR counselor if excess financial aid is received directly from the college. The VR counselor will determine whether the funds should be refunded to NYSCB or applied to the following semester's expenses; and
10. provide the VR counselor with receipts as required in this policy.

Course Load Changes

Students should not drop credits or significantly change their curriculum without discussing this with their VR counselor. Curriculum changes may significantly alter the IPE and may make it invalid. This could result in an interruption or loss of NYSCB sponsorship.

If dropping a course reduces the number of credits to less than 12 credits for a semester, that semester is considered part-time training.

Comparable Benefits

Before NYSCB funds can be used for college training, comparable benefits available to the individual must be explored by the VR counselor. The participant and the VR counselor can work together to explore applying for alternate funding.

The participant must submit written verification of a yearly application for alternate funding. Funding sources should include but not be limited to the following:

1. Pell grant
2. Tuition Assistance Program (TAP)
3. Supplemental Educational Opportunity Grant (SEOG)

For each application for alternate funding, the participant must submit *one* of the following to the VR counselor:

1. A copy of the award notice including the amount of the award and the starting date

OR

2. A copy of disallowance or denial of any award applied for

Notice of receipt of application is sufficient until the award/disallowance notice is received. A statement signed by the participant may be considered sufficient if they have received no other documentation.

All available comparable benefits must be applied to the costs of college training **prior to** authorizing NYSCB funds. See Chapter 11.00, Comparable Services and Benefits, for additional information.

At times, financial aid is not received prior to the provision of NYSCB sponsorship and it may be necessary for the VR counselor to authorize payment to the college to allow a student to maintain their enrollment status. In this instance, the VR counselor will need to write "less TAP and Pell" in the "Details" section of the authorization for payment. It is the student's responsibility to notify their VR counselor of any excess financial aid they receive directly, and it will be determined whether it is to be refunded to NYSCB or applied to the following semester's expenses.

Exception to Comparable Benefits Rule

Monetary awards or scholarships based on merit from civic, professional or social organizations are **not** considered as grants or comparable benefits as long as no

restrictions are placed by the organization on the use of the money. Even if the award is designated for general educational purposes, it is not considered a comparable benefit. If the money is specifically earmarked for tuition or particular college expenses, it is then considered an available resource and comparable benefit that may replace or reduce the NYSCB contribution to college expenses.

### Guidelines for Application of Comparable Benefits

TAP should be applied to tuition.

The Pell Grant may be applied first toward the actual cost of room and board or tuition, whichever is to the greater financial benefit of the student. If a student receives an SEOG grant it is applied the same way as the Pell Grant. The balance of the grant should be applied toward the following:

1. College fees
2. Books
3. Equipment
4. Transportation
5. Maintenance and/or
6. Other college expenses

### The Responsibilities of the College and NYSCB in Providing Comparable Benefits

Both NYSCB and colleges receiving federal funds are authorized and/or obligated to provide necessary services, such as interpreter services or other auxiliary aids, to allow each student to participate effectively in the college program. As both entities must conserve fiscal resources, it is important that NYSCB and the colleges negotiate on a case-by-case basis, to agree upon those services to be provided, and how to coordinate and pay for those services. In some instances, the college will routinely provide all needed services and accommodations. Other times, NYSCB and the college will agree to share costs.

### Negotiations between NYSCB and Colleges

The VR counselor should work together with the student and a representative of the college to determine the nature and needs of the student regarding their academic activities. Once these services are identified, the college and NYSCB should decide how to provide and pay for those services. In most instances, these discussions will take place between the VR counselor and the Disability Resource Center (DRC) at the college.

Whenever possible, the VR counselor should schedule these discussions prior to the beginning of the semester, so that arrangements will be in place when classes begin. Prior to discussion, the VR counselor should review the college's web site to determine what support services are customarily provided to students with disabilities.

In most instances, it is expected that the DRC will coordinate provision of the agreed upon services. Any discussions and resulting understandings must be documented in the case record.

#### Dispute Resolution between NYSCB and the College

If both parties cannot reach agreement within 20 days, the issue should be directed to the district manager for resolution with the college ADA Compliance Officer (if that is not the same as the DRC coordinator, or if it is, then the next level supervisor at the college).

If an agreement cannot be reached by the date classes begin, NYSCB will provide the necessary services and accommodations for that semester to avoid delays in the student's participation in college. NYSCB will continue to negotiate with the college regarding responsibilities for future semesters.

#### Student Responsibilities

In researching potential colleges, participants should learn what services and auxiliary aids are available from the college to meet their disability-related needs. This information may be key in selecting a college to attend.

At the time of acceptance to the college, the participant should submit any required applications and documentation to meet eligibility requirements for the disability resource center. The VR counselor may be asked to forward the certificate of legal blindness, or other disability documentation to the DRC.

#### Comparable Benefits - Defaulted Student Loan

To receive a grant, loan or work assistance under Title IV of the Higher Education Act, a participant must not owe on grants previously received or be in default on any student loan. The limitation applies to provision of financial assistance for post-secondary

education by VR agencies to participants who have been refused grant awards because they defaulted on student loans. Since NYSCB requires that participants make every attempt to secure comparable benefits, a participant who has defaulted on a student loan should proceed to clear their default status prior to applying for financial assistance.

### Determination of Default Status

In most instances, a VR counselor will be able to determine whether a participant is in default status from the grant award notice.

If a participant has been denied a grant, then the award notice will indicate whether the denial was based upon default status.

If a participant has not yet received award notification the VR counselor may base their determination upon a statement, signed by the participant, that they are not in default status.

### Clearing Defaulted Loan Status

For the Perkins Loan program, a participant is no longer in default if

1. all past-due amounts have been repaid, cancelled, or deferred;
2. their loan has been discharged in bankruptcy; or
3. they have entered into a new repayment agreement for the loan.

For the Guaranteed Student Loan program, a participant may no longer be in default status if

1. the loan holder provides certification that the borrower has made satisfactory arrangements to repay the defaulted loan and is now eligible for Title IV funds; or
2. the loan is discharged in bankruptcy.

### Implications for NYSCB Sponsorship

Prior to obtaining NYSCB sponsorship for college training, participants who are in default of a loan must arrange to clear their defaulted status. A participant who chooses not to repay a loan although financially able to do so is not eligible to receive NYSCB sponsorship for college training. In this instance the participant is not taking advantage of a comparable benefit or service that is available.

Inability to Repay

In some instances, a true hardship situation may arise where a participant has limited or no financial resources available and cannot work out a satisfactory repayment agreement with the lender, despite responsible repayment efforts. In such instances, it may be concluded that the participant has made maximum efforts to secure grant assistance and that comparable benefits and services are not available. The VR counselor should determine the appropriateness of VR assistance on an individual basis after careful examination of all the circumstances involving a participant's default status and financial situation.

College Related Services - Contingent Upon Economic Need

The college-related services listed below are contingent upon economic need.

1. Tuition in accordance with the rates in this chapter
2. Required college fees including but not limited to
  - a. application fees (limited to three applications),
  - b. aptitude test fees,
  - c. student activity fees,
  - d. college fees,
  - e. laboratory fees,
  - f. library fees,
  - g. health insurance fees (unless the individual has other medical coverage which would apply while in college), and
  - h. graduation fees.
3. Room and board in accordance with the rates and guidelines on in this section
4. Security deposits in accordance with the guidelines in Section 9.06, Maintenance
5. Books and supplies in accordance with the guidelines and rates in this chapter
6. Equipment in accordance with Sections 9.04, Assistive Technology Services and 9.05, Assistive Technology Devices
7. Transportation in accordance with the guidelines and rates in this section and Section 9.07, Transportation

College-Related Services - Not Contingent Upon Economic Need

The college related services listed below are not contingent upon economic need.

1. Reader services for individuals not eligible for the State Education Department Reader's Aid Program or as a supplement to such funds (See Section 9.13, Reader Services)
2. tutoring assistance
3. personal assistance services (See Section 9.14, Personal Assistance Services)

### Temporary Exception to Economic Need for Certain Students

Many high school and post-secondary education students are not able to meet NYSCB economic need criteria because their parents' income is too high. When they reach their 18th birthday, they can apply for SSI benefits; and if found eligible for SSI will meet economic need.

Allowing temporary exceptions will

- provide a standardized method for providing equity for students negatively affected by the economic need policy based on their date of birth, and
- allow students expected to qualify for SSI benefits to receive the supports they need to succeed in post-secondary education.

Some students do not turn 18 early enough to qualify for SSI and services contingent on economic need prior to the start of college, vocational, technical or business school training. The process of assessing assistive technology needs, purchasing the technology, and training the student may take several months. As a result, students who do not turn 18 until shortly before or after the start of their first semester may begin their post-secondary education without assistive technology and the skills to use the technology. In addition, their parents pay full costs for tuition, room and board, and books and supplies that are also contingent on economic need.

The temporary exception will only apply to students prior to the time they become eligible to apply for SSI benefits on their own (before their 18th birthday). A student who is over age 18 who has not yet applied for SSI will only qualify under this policy on a case-by-case basis after a review of the individual circumstances by the NYSCB district manager.

The decision to allow the temporary exception will be made by the VR counselor after receipt of the required documentation, a determination that the student meets the requirements noted below and a determination that the student is likely to qualify for SSI on their 18th birthday.

To meet the requirements for the temporary exception, the student must

1. not meet economic need due to family resources,
2. be at least in the second half of their senior year of high school (applies to the provision of high-tech equipment),
3. not be eligible to apply for SSI benefits on their own early enough to determine if they meet economic need and obtain equipment for college training or qualify for NYSCB funding for tuition, room and board and books and supplies, and
4. provide proof of application for SSI benefits or, confirm their intent to apply for SSI benefits when they turn 18. The confirmation must be verified in writing by the student's parent(s) or guardian(s).

Once the VR counselor determines that the student meets the requirements for the temporary exception, high-tech equipment can be purchased and provided as a loan and tuition, room and board and books and supplies can be paid to the student's school for one semester.

An assistive technology assessment, training, equipment, tuition, room and board and books and supplies will be provided in accordance with NYSCB policy. An assistive technology assessment and training may take place prior to the second half of the student's senior year because they are services that are not contingent on economic need.

NYSCB reserves the right to reclaim equipment provided to students who are denied SSI benefits and who have exhausted all appeals for reconsideration of their application for SSI benefits. NYSCB will not provide tuition, room and board and books and supplies for a student who has been denied SSI benefits and does not meet economic need. If the student is in the process of appealing the decision, these services will continue to be paid by NYSCB.

#### Tuition Expenses - Academic Year

For students who meet economic need, NYSCB will pay actual tuition costs (after the application of all comparable benefits) up to the rates established by the State University of New York (SUNY).

#### Examples of Payment of Tuition

The following examples illustrate application of NYSCB tuition allowance:

Example 1: An undergraduate's tuition costs for an in-state private school are \$3,500/year. She receives an \$800 TAP award. NYSCB will pay the remaining tuition up to the undergraduate tuition rate established by SUNY.

Example 2: A regular graduate student's tuition costs are \$15,400/year. He receives a \$400 grant award. NYSCB will pay the remaining tuition up to the graduate tuition rate established by SUNY.

#### Tuition Expenses – Part -Time Study, Summer Session, Mini-Semester

For students who meet economic need, NYSCB will pay actual tuition cost, up to the credit hour rate established by SUNY. The maximum tuition rates for part-time, summer session, mini-semester and/or intersession will be applied on a pro-rata basis.

Undergraduates - for students taking fewer credits than the equivalent of a full-time semester (e.g., less than 12 credits) NYSCB will pay actual tuition costs up to the credit hour rate established by SUNY.

Graduates - for students taking fewer credits than the equivalent of a full-time semester (e.g., less than 12 credits) NYSCB will pay actual tuition costs up to the credit hour rate established by SUNY.

Tuition during summer-session, mini-semester and/or intersession is provided in addition to the maximum amount of funding per academic year.

Tuition for part-time study is included in the maximum per academic year.

#### Residential Statuses

COMMUTING STUDENT – a student who lives within a 20-mile radius or within one and one-half hours of travel who resides at home while attending a college program.

RESIDENTIAL STUDENT – a student residing in a college dormitory while attending a college program.

OFF-CAMPUS STUDENT – a student who must live away from home to attend a college program and who is living in an apartment or other residence off campus.

Room and Board - Commuting Students

NYSCB will not pay room and board expenses for commuting students. Room and board expenses are only allowable to pay additional costs incurred while participating in VR services.

Determining When an Individual is Considered to be a Commuting Student

The following guidelines are to be used to determine when a student is considered to be a commuting student.

If the student lives within a 20-mile radius or within one and one-half hours of travel time each way from the school and adequate transportation is available, then they should be considered a commuting student.

Students who meet the criteria listed above are not eligible to receive room and board payment if they choose to live away from home. Students who live more than one and one-half hours of travel time each way from the school or beyond the 20-mile radius can choose to live at home. These students are also considered commuting students.

Exception, Commuting Students

In some instances, even though a student lives within commuting distance of a school and adequate transportation is available, the student's home environment may seriously interfere with their ability to participate in college training. In such situations, if the VR counselor believes that it is in the student's best interest to reside on campus, the VR counselor can request that an exception be made. Exceptions may only be made on an individual basis with supervisory approval and appropriate documentation in the case record.

Room and Board and Transportation Expenses - Academic Year

NYSCB will pay room and board expenses to students who meet economic need in accordance with the following rules and guidelines.

Residential and Off-Campus Students

For students residing in a dormitory on campus or residing off campus, the VR Counselor will authorize room and board and transportation, up to the established

maximums, as follows:

NYSCB will pay actual room and board and day-to-day transportation costs needed to attend college up to a maximum of \$4,500 per semester/\$9,000 per academic year. The student must provide documentation of actual room costs (a college bill for residential students; a copy of the lease agreement or a written statement from the landlord specifying the number of individuals sharing the living space and either a receipt from the landlord for the student's portion of the rent or a copy of the cancelled check payable to the landlord). Meals are calculated at the rate of \$450/month. This amount should be prorated during months when school is not in session for the entire month. This meal payment rate can also be used for students living on campus who do not participate in a meal plan. Room and board can also be authorized during school holidays if the student remains at the school during holidays. This documentation must be kept in the student's case record.

If the student is not purchasing a meal plan but is being provided a meal allowance, the VR counselor can pay a maximum of \$450/month (not to exceed the maximum allowable payment of \$4,500 per semester/\$9,000 per academic year for room and board) of school attendance based on the beginning and end dates of the semester. These dates must be entered in the "Details" section of the authorization.

Additional funds for day-to-day transportation can be provided if needed and the student demonstrates that the payment from NYSCB, and from Pell and SSI, for those that receive those benefits, does not cover the cost of their room, board and transportation.

### **Specific Guidelines**

#### **Commuting Students - Transportation**

Since it is understood that students must not only attend classes, but also use the library, meet with instructors and access laboratories or other special facilities, counselors may assume that the student usually attends the college program five days per week. The number of days of class attendance per week should not be shown on the authorization.

For commuting students, the VR counselor will authorize the actual cost of public transportation or mileage for one roundtrip per day between the student's home and the college program, five days per week, except when the school is closed. See transportation guidelines below.

**Transportation**

For students who meet economic need, NYSCB will pay the actual cost or common carrier rate (bus, train, air) of transportation to school at the beginning of the semester or trimester and travel from school to home at the end of the semester or trimester. Exceptions will only be granted for emergency travel due to the death or serious illness of a member of the student's immediate family.

VR counselors should note that transportation services may not be authorized for holiday travel.

**Room and Board Expenses - Part-Time Study, Summer Session, Mini-Semester, Intersession**

NYSCB will pay room and board expenses to students who meet economic need in accordance with the following rules and guidelines.

Residential and Off-Campus Students - The maximum rates for room and board for individuals attending college for summer session, mini-semester or intersession will be applied on a pro-rata basis. NYSCB will pay room and board expenses up to a maximum of \$250 per week.

Example: A student who attends a college during a 6-week intersession can receive a maximum of \$1,500 for room and board expenses.

**Room and Board Expense Waiver**

The maximum limits for room and board may be waived by the district manager if room and board is provided in place of more expensive, special transportation for students who are eligible for special transportation. This waiver may be obtained only if

1. the student is eligible for special transportation;
2. the student has medical documentation to substantiate the fact that public transportation cannot be used due to the severity of their disability;
3. the VR counselor has determined that the student can function adequately while living on campus; and
4. it has been demonstrated that the cost of living on campus is equal to, or less than, providing special transportation. The costs of living on campus must

include dormitory fees, attendant services, special campus transportation, necessary room modifications, adaptive devices and any other costs incurred by the student. These costs must be detailed in writing by the VR counselor and compared to the estimated potential cost of special transportation for the same period of time.

### Documenting the Waiver

Documentation to support the waiver must be prepared prior to the approval of the IPE. This documentation must be filed in the case record.

### Schools with Support Services Included in the Cost

NYSCB will pay the full cost of room and board as charged by the college, when support services, such as interpreter services, are provided by the college without charge and the cost of room and board is less than the amount NYSCB would have paid for those same support services at other colleges.

NYSCB will contribute the current SUNY rate toward the cost of tuition, the required fees and books and the full amount of room and board when it is appropriate and cost effective. If the student chooses to live off campus, NYSCB will pay up to the full amount of the on-campus room and board costs less comparable benefits.

### Equipment

For students who meet economic need, NYSCB will purchase all equipment necessary for the student to participate in their college program in accordance with NYSCB policy. The need for all equipment purchased must be documented in the case record.

### Books and Supplies Expense

NYSCB will purchase books and supplies for students who meet economic need in accordance with the following rates and guidelines.

Books - NYSCB will purchase required reading books and supplies for students to participate in their college program. The need for the books purchased must be documented in the case record.

Supplies - NYSCB may authorize up to \$300 per academic year for supplies necessary for the student to participate in their college program. The need for supplies purchased must be documented in a case note.

When this amount is insufficient for certain college courses (e.g., photography, commercial art), additional funds may be provided with documentation of the need for additional supplies from the school or instructor and senior counselor approval.

Supplies Expenses - Part-Time Study, Summer Session, Mini-Semester, Intersession

The allowance for supplies for students attending college for part-time study, summer session, mini-semester, and intersession will be applied on a prorated basis.

For students taking fewer credits than the equivalent of a full-time semester (e.g., less than 12 credits) NYSCB will pay the actual cost of supplies up to a maximum of \$15.00 per credit.

Example: A student who attends a three-credit course during intersession can receive a maximum of \$45.00 for supplies.

Supplies purchased during summer session, mini-semester and intersession will be in addition to the maximum per academic year. Supplies purchased for part-time study are included in the maximum per year. In no instance shall total support per session or semester for supplies exceed half the maximum rate for an academic year.

### Background

Vocational, Technical and Business Schools are private, profit or nonprofit schools that offer training in a variety of occupations. The programs typically award a recognized certification or credential upon successful completion of the training.

### Selecting a Program

The following questions must be addressed when considering the most appropriate training program:

1. Will the training provided prepare the participant for the employment they seek?
2. Is the program approved by The State Education Department's (SED) Bureau of Proprietary School Supervision (BPSS). All business schools, trade schools and computer training facilities must be licensed or registered by BPSS to verify appropriate standards are met.
3. Is the program willing and able to accommodate any disability-related needs the participant may have?
4. Can the participant meet the program's selection criteria?

### Online and Certification Programs

Online and certification training programs or courses offered by the schools, may be utilized by after consideration of the participant's needs and the ability of the school to prepare the participant to achieve the selected employment outcome. All training must be provided by BPSS approved programs.

Training through online programs may be sponsored when the VR counselor deems the program to be the most appropriate training program for the participant. The decision will be based upon the fact that

1. the training program is not available through other sources, OR
2. it is not feasible to utilize other available resources, AND
3. the training program will adequately prepare the participant to achieve his/her vocational goal.

This decision must be documented in a case note.

### Part-Time Training

Participants are expected to enroll in full-time training. Where available, a part-time program may be utilized if the presence of another disability(ies) prevents the participant from engaging in full-time training. Documentation to support the waiver must be included in the case record and approved by the senior counselor or district manager.

### Out-of-State Programs

Vocational, technical and business school training may be sponsored in out-of-state schools. When participants are attending an out-of-state program, they should be advised of resources in that area such as the VR agency in that state. VR counselors maintain responsibility for service coordination and need a signed Release of Confidential Information to coordinate any needed services while attending the out-of-state program. Participants who attend a program outside of New York State will receive sponsorship at the same level of financial support as they would if they attended a program within New York State.

In addition, to these factors, the factors listed under "Selecting A Program" must be considered when choosing an out-of-state school. Programs must be approved by similar entities in the other state.

### Rates for Training

NYSCB will pay the full cost of tuition and fees after applicable comparable benefits have been deducted.

### Economic Need

Sponsorship for training in vocational, technical or business schools is contingent upon economic need. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Many schools provide student financial aid. Participants must apply for Pell grants where applicable and explore other comparable benefits which may be available to them.

Introduction

Other academic training is training on a secondary educational level or lower. Other academic training is provided to improve a participant's academic functioning and provide specific vocational skills in accordance with an approved IPE.

Other Academic Training Services

Other academic training includes but is not limited to the following:

1. Adult basic education courses
2. English as a Second Language
3. High school equivalency programs
4. Tutorial services
5. Vocational training in specific occupations provided by the Board of Cooperative Educational Systems (BOCES).

BOCES Programs

Individuals up to age 21, may be eligible to participate in BOCES programs offered by the local school board. These programs are available without cost to NYSCB. Some BOCES programs offer adult education courses in the evening at a cost to the individual.

Reports

The VR counselor should obtain periodic written reports on the student's progress in training. The reports should contain

1. the period of time covered,
2. services or coursework provided,
3. summary of progress,
4. comments or concerns,
5. recommendations, and
6. test scores and/or certification of completion.

## **OTHER ACADEMIC TRAINING**

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### Economic Need

Academic training services are not contingent on a participant's economic need status. See Chapter 5.00, Determination of Economic Need, for additional information.

### Comparable Benefits

Many training services in this category are provided by school systems at no cost. Other available comparable benefits must be used when appropriate. See Chapter 11.00, Comparable Service and Benefits, for additional information.

### Introduction

Work experience is training provided by an employer (including not-for-profit employers such as community rehabilitation programs and independent living centers) to an NYSCB participant who is not currently employed and has not been promised a job by the employer.

### Purpose of a Work Experience

The purpose of a work experience is to provide

1. the participant with an understanding of the work environment and job responsibilities,
2. the participant with specific work skills and experience, and
3. information on how the participant performs in the work setting.

Work experience differs from on-the job training (OJT) in that it is not intended as training in a specific job and does not require a commitment by the employer to hire the participant. A work experience is a time-limited experience that contributes to the participant's overall career development by giving hands on experience in a particular field and allowing a participant insight into their skills and work tolerance.

### Examples of Work Experiences

Examples of work experiences:

1. An employer who trains a high school student during summer break on office skills
2. An established vending stand operator who provides a brief exposure to employment in the Business Enterprise Program
3. An employer who trains a recent college graduate in the field of market research and analysis

### Selecting a Work Experience Site

When selecting a work experience site, the VR counselor, employer and participant should consider the participant's skills, interests and abilities. In addition, the training should give a clear description of job duties and training objectives.

Duration

Duration should be sufficient for the participant to acquire general work skills and experience, and for others to assess how the participant performs in a work setting. Work experiences should be for a minimum of 20 hours/week and should not exceed three months. A senior counselor or district manager may approve an extension of the work experience if information gathered during a three-month period is insufficient to reach a conclusion about the participant's abilities or if an extension of the work experience is likely to result in employment at the same work site. The total of all work experiences for a participant during one case opening may not exceed 1040 hours.

See the Comprehensive Services Contract (CSC) Guidelines for additional information.

NYSCB Financial Support for Work Experiences

Work experiences may be supported by NYSCB through the authorization of

1. job coaching services in support of a work experience (See Section 10.07, Job Coaching, for additional information);
2. reimbursement to the employer or community rehabilitation partner for training expenses (wages); and
3. a training stipend to the participant to cover work related expenses (e.g., maintenance/transportation) when a participant is not paid wages by the employer.

Wage Reimbursement

Whenever possible, efforts should be made to provide a paid work experience where wages are paid by the employer or through a comparable benefit such as workforce development funding sources. If these options are not available, the VR counselor may arrange to reimburse an employer for wages paid to a participant during a work experience.

Wage reimbursement can be arranged directly with an employer or through a community rehabilitation program (CRP) that is providing work experience services to NYSCB participants. Wages should not be authorized by NYSCB directly to a participant.

Work Experience and Job Coaching

Wage reimbursement and job coaching services may be authorized simultaneously in situations where the VR counselor has determined that job coaching services are necessary for the individual to benefit from the work experience. The VR counselor must clearly distinguish between the training role of the employer and the training role of the job coach. The job coach should be used to support the employer and participant during the work experience but must not serve as a substitute for the training and supervisory responsibilities of the employer. For example, the employer may provide a participant with regular training sessions during initial weeks on the job. The job coach would reinforce the training provided by the employer. The job coach can assist the employer with an understanding of adaptive equipment or reasonable accommodations needed by the individual.

Work Experience Agreements

When wage reimbursement is authorized by NYSCB, the following information must be documented in the Work Experience Training Agreement and in a case note:

1. A clear description of the participant's job duties and a plan for training the participant
2. Agreement from the employer to allow the VR counselor to monitor the work experience and to send periodic written progress reports for inclusion in the participant's case record
3. The employer or CRP will place the participant on their payroll and pay the participant at the current hourly rate received by other employees in the same job. The employer or CRP will assure that the participant will be covered under Workers' Compensation, Social Security and Unemployment Insurance.
4. The employer or CRP will agree that all federal and state standards for wage hours and safety are met.

Progress Reports

For all work experiences, the employer or community rehabilitation partner must share information for the duration of the experience and complete reports on the participant's progress during the work experience in accordance with the Comprehensive Services Contract Guidelines.

Impact on Social Security Benefits

Earnings from a work experience training may have an impact on a participant's Social Security Disability (SSDI) or Supplemental Security Income (SSI). Earnings from a work experience training may count toward a trial work period and toward a determination by SSA of whether the participant is earning at the substantial gainful activity (SGA) level. Participants should be advised to inform the Social Security Administration (SSA) that the monies received during a work experience training include a subsidy (percentage contributed by NYSCB).

Each determination made by SSA is made on an individual case basis. VR counselors should assist participants in determining the impact of the work experience training on their benefits through contact with the SSA (web address [www.SSA.gov](http://www.SSA.gov)) or through benefits advisement services provided by independent living centers, career centers, and other community resources.

### Introduction

On-the-Job Training (OJT) is specific training, provided in an actual work setting by an employer, for the job which the participant is hired. It includes a commitment by the employer to retain the participant as an employee, after successful completion of training, if the participant is meeting the essential performance standards of the job. An OJT can be authorized for any employer willing and able to train and hire the participant except where the employer is an immediate relative of the individual (spouse, parent, stepparent, grandparent, foster parent, child, sibling or in-law).

### Development of OJTs

The OJT can be developed through a variety of strategies including cold calling prospective employers who hire in the participant's desired area of employment; following up on job leads; or working in collaboration with a local Career Center. The participant should work closely with the VR counselor during this development and play an active role in identifying potential employment sites.

### Determining the Length of Training

Once it has been determined that there is a viable job offer and that the participant is an appropriate candidate for OJT length of time required for training should be discussed. The following factors should be considered when determining the length of training:

1. The time required to train other employees engaged in the same occupation
2. The complexity or uniqueness of the job duties
3. The participant's skill level and experience

OJT is generally limited to a maximum of six months. OJTs beyond this period may be developed with district manager approval when specialized, complex or unique training requires more training time.

### Training Fee Contribution

As an incentive to provide OJT, the employer is partially reimbursed by NYSCB for training expenses. Typically, NYSCB reimburses the employer at the wage rate of the trainee for a portion of the time spent on the job. As an alternative to this method, NYSCB may provide partial reimbursement based on the wage of the employee who will be doing the hands-on training. As necessary, customary wages for certain positions may be verified through the New York State Department of Labor.

NYSCB's contribution to the training fee must be made in accordance with the following guidelines:

1. The level and percentage of the training fee is to be negotiated by the VR counselor with the employer and is intended to help offset loss of production time of the trainer(s).
2. The VR counselor should encourage the employer to contribute an increasing portion of the training costs thereby demonstrating their commitment to retaining the trainee.
3. The contribution made by NYSCB can vary among OJT situations, but can be reduced over time as the trainee becomes more proficient in the skills required to achieve a competitive level of performance; the contribution made by NYSCB will not exceed 50 percent of the training costs as computed over the duration of the training period.
4. Specific performance criteria to measure progress should be outlined for each phase of the estimated training hours that will be purchased through the OJT.

#### The OJT Agreement

The VR counselor must complete the OJT agreement in CIS. The agreement includes the following:

1. Start date, title, salary and hours
2. An assurance by the employer that the participant will be covered under Workers' Compensation, Social Security, Unemployment Insurance, Minimum Wage Law, IRS Withholding and any other usual employee benefits
3. Duration of training and the schedule for the NYSCB and employer contributions to the training costs
4. Reporting requirements for progress and payment

The employer must acknowledge the terms of the OJT in writing and indicate their commitment to retain the participant after the training period.

#### Example of an OJT Agreement

Example: An OJT Agreement is negotiated with an employer to train a participant to work as a mechanic. The participant, prior to losing his sight was an automotive repairperson. The employer agreed to hire the participant at a salary of \$800.00/week for a twelve-week training period. The VR counselor and employer negotiated to share the participant's training costs in accordance with the following schedule:

## ON-THE-JOB TRAINING

10.05.03

1<sup>st</sup> four weeks:      Employer Share - \$200/week (25%)  
                                 NYSCB Share - \$600/week (75%) = \$2,400

2<sup>nd</sup> four weeks:      Employer Share - \$400/week (50%)  
                                 NYSCB Share - \$400/week (50%) = \$1,600

3<sup>rd</sup> four weeks:      Employer Share - \$600/week (75%)  
                                 NYSCB Share - \$200/week (25%) = \$ 800

NYSCB cost for the OJT = \$4,800

Payment for OJT is made directly to the employer.

### Follow-up

The VR counselor is responsible for maintaining close contact with the participant, the job developer, and the employer during the OJT to provide assistance and enable the participant to successfully complete the OJT.

### Impact on Social Security Benefits

Earnings from an OJT typically have an impact on a participant's Social Security Disability (SSDI) or Supplemental Security Income (SSI). Earnings from an OJT will count toward a trial work period and toward a determination by the Social Security Administration (SSA) of whether the participant is earning at the substantial gainful activity (SGA) level. Participants should be advised to inform SSA that the monies received during OJT include a subsidy (percentage contributed by NYSCB).

Each determination made by SSA is made on an individual case basis. VR counselor s should assist in determining the impact of the OJT on benefits through contact with the SSA (web address [www.SSA.gov](http://www.SSA.gov)) or through benefits advisement services provided by independent living centers, career centers, and other community resources.

### Moving to Status 22

A participant's case should be moved into Status 22 at the end of the established training period if all criteria for Status 22 are met. See Chapter 2.00, VR Process, for additional information.

### Introduction

Work-Try-Out (WTO) offers an employer wage reimbursement while the potential employer and the job candidate assess whether the position is a good match. WTO requires an employer to put a participant on their payroll and there is an expectation to retain the participant if they meet the essential performance functions of the job. WTO differs from OJT in that it is not tied to specific formal training for a position. A WTO can be authorized for any employer willing and able to try-out and hire the individual except where the employer is an immediate relative of the individual (spouse, parent, stepparent, grandparent, foster parent, child, sibling or in-law).

### Development of WTOs

The WTO can be developed through a variety of strategies including cold calling prospective employers who hire in the individual's desired area of employment; following up on job leads; or working in collaboration with a local Career Center. The individual should work closely with the counselor during this development and play an active role in identifying potential employment sites.

### Determining the Length of Training

Once it has been determined that there is a viable position and that the individual is an appropriate candidate for a WTO, length of time required for the WTO should be discussed. The complexity or uniqueness of the job duties as well as the skill level and experience of the individual should be considered in determining the length of training.

WTO is generally limited to a maximum of three months or 480 hours. WTOs beyond this period may be developed with district manager approval when specialized, complex or unique training requires more training time.

### WTO Wage Reimbursement

NYSCB reimburses the business 100% of the employee's wages only. The business is expected to place the individual on the pay roll and assure that the individual is covered under Worker's Compensation, Social Security, Unemployment Insurance, Minimum Wage Law, IRS withholding and any other usual employee benefits.

### The WTO Agreement

The NYSCB counselor must complete the WTO agreement in CIS. The agreement includes the following:

1. Start date, title, salary and hours
2. An assurance by the employer that the participant will be covered under Workers' Compensation, Social Security, Unemployment Insurance, Minimum Wage Law, IRS Withholding and any other usual employee benefits
3. Duration of training and the schedule for the NYSCB and employer contributions to the training costs
4. Reporting requirements for progress and payment

### Follow-Up

The counselor is responsible for maintaining close contact with the individual, the job developer, and the employer during the WTO to provide assistance and promote the individual to successfully complete the WTO.

### Impact on Social Security Benefits

Earnings from an WTO typically have an impact on an individual's Social Security Disability (SSDI) or Supplemental Security Income (SSI). Earnings from a WTO will count toward a trial work period and toward a determination by SSA of whether the individual is earning at the substantial gainful activity (SGA) level. Individuals should be advised to inform Social Security that the monies received during WTO include a subsidy (contributions by NYSCB).

Each determination made by SSA is made on an individual case basis. Counselors should assist in determining the impact of the WTO on benefits through contact with the Social Security Administration (web address [www.SSA.gov](http://www.SSA.gov)) or through benefits advisement services provided by independent living centers, career centers, and other community resources.

### Moving to Status 22

An individual's case should be moved into Status 22 at the end of the established WTO period if all criteria for Status 22 are met. (See Chapter 2.00, VR Process.)

### Introduction

Job coaching refers to the training of an employee by an approved job coach who uses structured intervention techniques to support the employee to learn job tasks to the employer's specifications and to learn the interpersonal skills necessary to interact appropriately with co-workers and supervisors. Job coaches can reinforce skills learned during orientation and mobility training and vision rehabilitation therapy and make recommendations to the VR counselor if there is a need for further training.

Family members (as defined in Section 9.12, Services to Family Members) may not be used as job coaches.

### Benefits of Job Coaching

Through job coaching, a qualified job coach works directly with an individual with a disability in a training or placement site to help them learn

1. the specific requirements of the job,
2. work-related activities and requirements such as time and attendance rules, and
3. appropriate work-related (including social) behaviors when dealing with supervisors and co-workers.

Placing an individual directly in a job with the hands-on assistance of a job coach ensures that

1. vocational and interpersonal skills can be evaluated early in the placement process and are based on actual, not projected or simulated experience,
2. the individual is able to receive immediate feedback, assistance, and follow-up from the job coach, and
3. an employer is able to take on and observe the progress of the individual without a full commitment of personnel resources.

### Job Coaching as a Support Service

While job coaching is often associated with supported employment, it can be provided as a VR service to participants who do not have a goal of supported employment, e.g., for a participant who requires some coaching for a particular job but does not require coaching throughout their entire work life.

Participants who do require job coaching for their entire work life should be considered for supported employment services.

## **JOB COACHING**

10.07.02

When the VR counselor can document specific services that the job coach will provide that will be different from those by the training provider, job coaching may also be provided in conjunction with the following:

1. On-the-job training (OJT)
2. Work experience training
3. Work try-out (WTO)
4. Paid internship

Job coaching may not be provided in conjunction with a vocational assessment or vocational training purchased through a community rehabilitation program.

### Job Coaching During On-the-Job Training

To justify the provision of job coaching in support of OJT, a clear distinction must be made between

1. the training the employer will provide (usually specific job skill training provided to any new employee), and
2. the activities of the job coach such as
  - a. advocacy,
  - b. task analysis,
  - c. developing necessary job accommodations, and
  - d. teaching appropriate work behaviors and interpersonal skills.

When job coaching is provided in support of OJT, this factor should be considered in negotiating the employer contribution. It is anticipated that provision of job coaching services will result in a shorter period of OJT or a greater employer contribution early in the training period.

### Job Coach Rate

Job coach services should be authorized to community rehabilitation programs and private vendors in accordance with the current Comprehensive Services Contract (CSC) and rates in CIS.

A job coach provided by an ACCES-VR approved vendor will be paid according to ACCES-VR established rates.

### Job Coach Resources

VR counselors can locate job coaches through contacts within their offices and/or through private agencies for the blind. VR counselors can also contact the local ACCES-VR, OPWDD and OMH offices to identify job coaches.

### Duration of Job Coaching Services

Job coaching is not intended to be a long-term intervention. The duration should be determined on a case by case basis based on the needs of the participant and their goal. The need for job coaching services will be reduced as the participant gains skills and independence. If job coaching is needed for more than three months, district manager approval is required.

Consideration should always be given to whether job coaching is required to enable the participant to be successful; it should **not** be provided routinely.

### Authorizations

Authorizations for job coaching should be issued directly to the community rehabilitation program providing the job coach services.

When using private vendors, authorizations are issued directly to the job coach.

When a job coach is used for more than one participant, the job coach cannot be paid for more hours than the actual number of hours worked. VR counselors should coordinate with each other to verify that the coach is only paid for the total number of hours they work.

Each participant's authorization should be billed proportionately to the number of hours of individual job coaching directly received. If this cannot be determined, billing should be based upon the average number of hours provided to each participant (e.g., a participant in a work crew of six persons can be expected to receive 1/6 of the total hours of coaching provided to the crew).

### VR Counselor Responsibility

It is the VR counselor's responsibility to do the following:

1. Determine where a job coach may be effective in providing training or in helping a participant achieve competitive employment.
2. Review each employment opportunity and determine the appropriateness of the job and the use of the job coach.

Consideration should include the:

- a. type of work,
  - b. location,
  - c. hours,
  - d. potential intensity of support needed,
  - e. employer's willingness to have a job coach on-site,
  - f. individual's willingness to have a job coach,
  - g. employer's willingness to accept increased supervisory role as the job coach fades, and
  - h. the potential the experience offers for direct placement or transferable skills.
3. Determine if a job coach is available.
4. Meet with the job coach and schedule times for the VR counselor and the job coach to meet with the participant, visit the job site and speak with the employer, or representative.
5. Monitor progress through scheduled reports from the job coach and regular contact with the job coach, the participant and the employer.

### Job Coach Responsibilities

The job coach is responsible for intensive on-site training. When a compatible job match is made between the employer and the participant, the job coach performs several activities before the participant starts at the job site including the following:

1. Learning about specific job requirements and duties by spending as much time as necessary at the job site
2. Preparing detailed job and task analyses, for the VR counselor, to serve as the basis for developing training strategies

Once the participant begins the job, the job coach uses structured training techniques for teaching the following:

- a. Job-performance skills such as sequence, quality and quantity
- b. Job-related skills such as grooming, socializing with co-workers, accepting supervision or managing one's paycheck

The job coach promotes success of the placement by

- a. providing advocacy at the work site,
- b. providing advocacy in the participant's residence or community,
- c. assisting in travel training by reinforcing travel skills taught by an O&M instructor,
- d. continually evaluating and monitoring the participant's performance and progress, and
- e. fading as the participant becomes more proficient and requires less job coaching.

### Monitoring and Reporting

The VR counselor is responsible for monitoring the provision and adequacy of the job coaching services. To accomplish this, the VR counselor should have direct contact with the participant, job coach and employer.

To assist in the monitoring activity, the job coach is required to submit a report to the CRP and/or VR counselor (see recommended report format in this section, ACCES-VR approved report can also be used).

### Post-Employment Services

Job coaching services as described above may be conducted on a time-limited basis (up to 50 hours) under Post Employment Services.

**JOB COACHING SERVICES REPORT**

**Participant's Name:** \_\_\_\_\_ **Start Date:** \_\_\_\_\_

**Job Site:** \_\_\_\_\_ **Report Date:** \_\_\_\_\_

**Position:** \_\_\_\_\_ **Work Schedule:** \_\_\_\_\_

**Job Coach:** \_\_\_\_\_

**Number of Job Coaching hours provided this report period:** \_\_\_\_\_

1. Training objectives for this period:

2. Progress on training objectives:

3. Objectives for the next training period:

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Job Coach/Community Employment Specialist

### Introduction

Vision Rehabilitation Therapy (VRT) is a comprehensive service that involves the provision of training to assist the individual to achieve their maximum level of functioning in the areas of: manual dexterity; communication; orientation to home or work environment; home management; personal management and use of low vision aids and other adaptive devices. These services are customarily provided in the individual's home, at a private agency serving individuals who are blind, in a school setting or other community setting.

See the *Comprehensive Services Contract (CSC) Guidelines* for additional information about the provision of VRT services.

### Scope of Services

Communication training may include braille and or large print or other preferred communication mode; the ability to use the telephone, including number retrieval; skills in such functions as note-taking, message retrieval, record keeping, typing, labeling, and organizing information; and the ability to use communication devices, including but not limited to, keyboard, recording/playback devices, calculator, or electronic notetaking devices.

Home management will include training in meal planning and preparation, use of appliances and utensils, food storage and organization, and home cleaning, organization and safety.

Personal management includes training in personal grooming, clothing selection and care, child care, medication management and the use and care of non-optical and prescribed optical devices.

Financial Management includes training in the use of appropriate financial institutions, personal budgeting and money management.

### Determining the Scope of Vision Rehabilitation Therapy Services

The scope of VRT services provided is determined based on a baseline evaluation of the participant's needs relative to their vocational goal. The VR counselor will receive a written report of the evaluation findings including recommendations. The VR counselor will discuss the evaluation findings and recommendations with the participant and determine the services to be provided to meet their VR needs.

### Who Provides Vision Rehabilitation Therapy

Vision rehabilitation therapy is provided by professional vision rehabilitation therapists/rehabilitation teachers who meet the qualifications established by NYSCB. They may be provided through a private agency, by a NYSCB rehabilitation teacher or by a private vendor.

### Priority of Service Provider

When choosing a service provider, the following priority order should be used:

1. Comprehensive Services Contract agency personnel, when available
2. NYSCB rehabilitation teacher
3. Independent rehabilitation teacher who is approved by NYSCB as a private vendor. Private vendors are to be used when priorities 1 and 2 are not available.

### Economic Need

Vision rehabilitation therapy is not contingent on a participant's economic need status. See Chapter 5.00, Economic Need, for additional information.

### Orientation and Mobility (O&M) Services

O&M is the teaching of concepts, skills and techniques necessary for a person who is blind to travel safely, efficiently and confidently through any environment and under all environmental conditions and situations.

O&M services may include basic orientation concepts of body awareness and geometric shapes; use of reference systems to increase safety, independence, and confidence; a primary travel system using residual vision, sighted guide, long cane, prescribed low vision aids or a combination of the above. Where appropriate, the system may integrate the use of a guide dog and electronic vision enhancement systems; effective indoor travel techniques, including self-protective techniques, trailing and room or building familiarization; safe and effective negotiation of outdoor areas including street crossings at various traffic-controlled intersections and the use of public transportation.

See the *Comprehensive Services Contract (CSC) Guidelines* for additional information about the provision of O&M services.

### Determining the Scope of Orientation and Mobility Services

The scope of O&M services provided is determined based on a baseline evaluation of the participant's needs relative to their vocational goal. The VR counselor will receive a written report of the evaluation findings including recommendations. The VR counselor will discuss the evaluation findings and recommendations with the participant to determine the services to be provided to meet their vocational needs.

### Who Provides Orientation and Mobility Training

O&M training is provided by professional orientation and mobility instructors who meet the qualifications established by NYSCB. They may be provided through a private agency, by a NYSCB orientation and mobility instructor or by a private vendor.

### Priority of Service Provider

When choosing a service provider, the following priority order should be used:

1. Private agency personnel, when available

## **ORIENTATION AND MOBILITY TRAINING**

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2. NYSCB orientation and mobility instructor
3. Independent orientation and mobility instructor who is approved by NYSCB as a private vendor.

Private vendors are to be used when priorities 1 and 2 are not available.

### **Economic Need**

Orientation and mobility training is not contingent on a participant's economic need status. See Chapter 5.00, Economic Need for additional information.

### Introduction

Community rehabilitation programs provide a wide array of services for individuals with disabilities. NYSCB purchases services from both private agencies serving the blind, and from general agencies.

### Agencies Serving the Blind

A private agency for the blind is an agency which states in its Articles of Incorporation that one of its organizational purposes is to provide rehabilitation services to people who are blind.

### General Agency

A general agency is a community rehabilitation program that provides rehabilitation services to individuals with a variety of disabilities. Services are not commonly designed for individuals who are blind, however, individuals who are blind may benefit from and may choose to receive services from a general agency.

### Establishing Rates and/or Fees

Rates and/or fees for services purchased from community rehabilitation programs are established by

1. NYSCB (for private agencies serving the blind), and
2. for general agencies, the NYS Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR)

### Contracts with Private Agencies for the Blind

NYSCB has entered into outcome-based contracts with the private agencies for the blind in New York State through the Comprehensive Services Contract. Many but not all private agencies for the blind also participate in the Placement Contract. Refer to the Comprehensive Services Contract and *Placement Contract Guidelines* for current information about the services provided through these contracts.

Agreements with General Agencies

Training and services through general agencies are based on current contracts with NYS ACCES-VR. All additions of general agencies and services to the NYSCB case management system must be approved by NYSCB senior management.

### Introduction

Comparable services and benefits refer to any services and benefits, including accommodations and auxiliary aids and services, that are available to a participant from a program other than VR to meet, in whole or in part, the cost of VR services.

### Examples of Comparable Benefits

Comparable benefits can be available from a variety of sources including federal, state and local programs such as Medicaid, Veteran's benefits, Tuition Assistance Program, reduced fare for public transportation, para-transit; employer programs such as tuition assistance, transportation, training and health insurance benefits; and health insurance from family or another source.

### Purpose of Comparable Benefits and Services

Before NYSCB provides VR services that are subject to a consideration of comparable benefits the VR counselor must determine whether comparable services or benefits are available to meet the cost of the VR services.

### Policy

It is the policy of NYSCB to

1. determine whether comparable services or benefits are available to cover full or partial cost of selected VR services except where such consideration would
  - a. interrupt or delay progress of a participant toward their goal,
  - b. interrupt or delay an immediate job placement, or
  - c. interrupt or delay the provision of services to a participant at extreme medical risk.
2. use comparable services and benefits when available within a reasonable period. If the comparable services or benefits are not available within a reasonable period of time, NYSCB will provide those services until those comparable services or benefits become available.

**Extreme Medical Risk**

Extreme medical risk means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously based on medical evidence provided by an appropriate qualified medical professional.

**Services Which Are Exempt from Consideration of Comparable Benefits**

The following services are exempt from consideration of comparable services and benefits during the provision of VR and post-employment services:

1. Assessment for determining eligibility
2. Assessment for determining VR needs
3. counseling and guidance including information and support services to assist Participants in exercising informed choice
4. Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system, if those services are not available through the VR program
5. Job-related services, including job search and placement assistance, job retention, follow-up and follow-along services
6. Rehabilitation technology including telecommunications, sensory and other technological aids and devices (except when covered by Medicaid, Medicare or private health insurance)

**When to Initiate an Exploration of Comparable Services and Benefits**

The VR counselor should begin exploring available comparable services and benefits with the applicant during intake. The exploration of comparable services and benefits is a fluid process occurring continuously throughout the VR process.

**VR Counselor 's Responsibility**

To determine available comparable services and benefits, the VR counselor will

1. gather information on the eligibility criteria and services available from comparable service or benefit sources, and
2. assess the appropriateness and availability of specific comparable services or benefits with the participant

## COMPARABLE SERVICES AND BENEFITS

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To maximize the use of comparable services and benefits, VR counselors, when appropriate, may

1. assist the participant in preparing referral information,
2. initiate contact with comparable service and benefit sources,
3. arrange appointments for the participant, if they require assistance,
4. accompany the participant to apply for comparable services and benefits, and
5. follow-up on contacts.

Note: Although these activities may be performed by the VR counselor, the participant should be encouraged to accept responsibility for as many actions as possible.

### Participant's Role

Participants are required to apply for and use comparable services and benefits when such services are adequate for the achievement of their vocational goal.

### Rule

NYSCB cannot provide selected services using VR funds for a participant who

1. refuses to apply for comparable services or benefits for which they may be eligible, or
2. refuses to accept a comparable service or benefit which is available and adequate to meet the objectives of the IPE.

### Case Record Documentation Requirements

Documentation of comparable services and benefits in the case record will include

1. documentation of the initial discussion of comparable services and benefits,
2. documentation of the participant's eligibility/ineligibility for the comparable services and benefits explored, and
3. written justification for not utilizing a potential comparable service or benefit.

Examples of such justification may be that the comparable service or benefit:

- a. Cannot accommodate the physical or mental impairments of the participant
- b. Would cause an interruption in the flow of services as planned in the IPE that would jeopardize the achievement of the vocational goal
- c. Is inaccessible due to its location

#### Comparable Benefits for Post-Secondary Education

Maximum effort must be made to secure grant assistance for participants attending institutions of higher education. Eligibility for the Pell Grant, TAP award, and other appropriate programs must be fully explored prior to expenditure of VR funds for post-secondary costs. Awards or scholarships based on merit are not considered comparable benefits.

VR counselors should inform participants that they cannot be denied equal consideration for scholarships or endowment programs because they receive NYSCB funding.

To avoid unnecessary authorization of funds, VR counselors are encouraged to find out the exact amount of a grant award prior to creating an authorization.

When necessary to prevent delay of service, an authorization for the full cost of the service can be created. However, the award amount must be deducted from the authorization prior to payment.

#### Role of VR Agencies and First Dollar Conflicts

While VR agencies have historically functioned as the primary service delivery network for individuals with disabilities, they are also required, under the comparable service and benefit provisions of the VR regulations to seek out resources of other programs, such as Medicaid, prior to expenditure of funds. However, many of these other government programs are required to exhaust all other sources of payment prior to providing benefits. Where there is a disagreement about which agency should pay for a service, the use of VR funds will be determined on a case-by-case basis.

#### Cooperative Arrangements

Cooperative working arrangements can help streamline the application or eligibility

determination process for comparable services and benefits. NYSCB has cooperative working arrangements with the following agencies, where there is some defined overlap in terms of responsibilities and service objectives:

1. Medicaid
2. ACCES-VR Reader's Aid Program (See Section 9.13, Readers Services, for additional information.)
3. Public Institutions of Higher Education (See Section 10.01, College Training, for additional information.)

#### Eligibility for Medicaid, Medicare or Private Health Insurance

Individuals who receive Supplemental Security Income (SSI) or temporary assistance are usually eligible for Medicaid benefits. Individuals who have received Social Security Disability Insurance (SSDI) for more than two years or who are over age 65 are eligible for Medicare benefits. Under certain conditions, persons who are disabled before age 22 can receive Medicare benefits.

Some individuals qualify for both Medicaid and Medicare. The VR counselor should determine if an individual has Medicare, Medicaid or other third-party health insurance benefits at the time of the initial interview or when planning specific services. The individual should provide a copy of their Medicaid, Medicare, or private health insurance card to verify that benefits are available.

#### Plan to Achieve Self-Support (PASS)

The Plan to Achieve Self-Support (PASS) is an income and resource exclusion program available under the SSI program.

PASS plans are not to be used routinely as a comparable benefit, especially since these resources will not usually be available at the time needed to meet the rehabilitation objectives in the IPE. However, the resources created by PASS plans can be very valuable in purchasing those goods or services that are not covered by the VR program but do contribute to the rehabilitation outcome. The VR counselor can assist a participant with obtaining more information about PASS plans.

Introduction

The goal of VR services is competitive integrated employment based on an individualized determination consistent with the participant's unique strengths, abilities, interests, and informed choice. The outcome of competitive integrated employment can be attained through many routes including but not limited to the following:

1. Direct placement with a VR counselor or placement provider
2. Supported employment
3. Business Enterprise Program (BEP)
4. Self-employment

The participant, in collaboration with the VR counselor, should work to identify the best option to achieve competitive integrated employment. This employment should be stable, long-term, and offer opportunities for advancement, equal to others in the field.

Definitions

Competitive integrated employment means work that is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that is

- a. not less than the rate required under the applicable state or local minimum wage law for the place of employment;
- b. not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;
- c. in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills;
- d. eligible for the level of benefits provided to other employees; and
- e. at a location typically found in the community where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as

appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Customized Employment is competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual and designed to meet the specific abilities of the individual and the business needs of the employer. It may include customizing a job description, developing specific job duties, identifying a work schedule, and/or providing services and supports at a job location.

### Services to Business

Business is an integral member of the placement process. NYSCB and partner providers can provide services to businesses on behalf of the participant or directly to the business to meet a need. These services can include but are not limited to the following:

1. Job analysis
2. Assistive technology services and recommendations
3. Identifying current hiring and tax incentives
4. Identifying a need for job coaching
5. Understanding reasonable accommodations and the Americans with Disabilities Act (ADA)

### Job Analysis

The VR counselor or partner provider may be involved in performing a job analysis. The analysis may help determine the skills that the participant possesses and the skills that are necessary to meet the essential functions of the job. The VR counselor or service provider may assist the employer by soliciting information, completing a job site assessment, providing direct resources and materials, and suggesting reasonable accommodations. Ultimately, the decisions related to reasonable accommodations must be negotiated directly between the participant and the employer.

Assistive Technology Services (AT)

NYSCB can offer technical resources, technical training, and technical supports to businesses to help an individual gain competitive integrated employment. VR counselors can use AT specialists from partner providers to recommend and help integrate accommodations into differing computer systems as well as proprietary systems.

The VR counselor should refer to the *Assistive Technology Services Guidelines* for the most up to date information.

Current Hiring and Tax Incentives

The VR counselor and partner providers should be knowledgeable in the current hiring incentives offered by NYSCB such as on-the-job training (OJT) and work-try-out (WTO). The VR counselor should seek the most up to date Tax Incentive information from the New York State Department of Labor (DOL) or from the local Career Center.

Job Coaching

Job coaching can be used on a time limited basis to help promote success in direct placement. Typically, job coaching would be used as the participant is learning the initial demands of the job or to support the participant through the initial transition period. (See Section 10.07, Job Coaching, for additional information.)

Reasonable Accommodations and the Americans with Disabilities Act (ADA)

VR counselors and partner providers should be prepared to help businesses understand their responsibilities in providing reasonable accommodations to employees based on Section 504 of the Rehabilitation Act and Title I of the Americans with Disabilities Act. The ADA makes it unlawful to discriminate in employment against a qualified individual with a disability. NYSCB can offer ADA training to a business and their staff upon request.

**Impact on Social Security Benefits**

Earnings from employment, including time limited employment, may have an impact on a participant's Social Security Disability (SSDI) or Supplemental Security Income (SSI). Participants should be advised to inform the Social Security Administration (SSA) when they obtain employment. Each determination by SSA is made on an individual case basis. VR counselors should assist participants in determining the impact of the employment on their benefits through contact with SSA (web address [www.SSA.gov](http://www.SSA.gov)) or through benefits advisement services provided by independent living centers, career centers, and other community resources.

### Introduction

The goal of direct placement is to enable participants to obtain, retain or advance in competitive integrated employment. Direct placement is the least restrictive path to employment and should be considered before Supported Employment. Direct placement can be done by working directly with a VR counselor or may include staff from one of the NYSCB contracted placement providers. The decision to work only with a VR counselor or with a VR counselor and a placement provider should be agreed upon by the VR counselor and the participant. Direct placement can include customized employment where appropriate.

### Direct Placement Process

Planning for specific placement services will begin when a vocational goal is mutually agreed upon by the VR counselor and participant. Preparing for placement includes comprehensive planning and provision of services throughout the VR process. It is critical that concerns and issues related to obtaining employment be addressed early in the VR process and reflected in the IPE.

If the participant is working with a placement provider the VR counselor should refer to the Placement Services Guidelines for information on forms, process, and roles and responsibilities of the various partners.

### Scope of Placement Services

Placement involves preparing and coaching job seekers to obtain employment as well as working with employers to facilitate hiring individuals who are blind. Participants can work with the VR counselor and placement providers to: learn job-seeking skills, conduct an active job search, assist in completing applications, develop resumes and improve interview skills. Employer contacts, job development, job or task analysis, job restructuring, reasonable accommodations, job-retention counseling and other methods or services that assist individuals and employers in achieving successful employment outcomes are also considered placement services. In addition, job development efforts are focused on providing information, support, and technical assistance, especially as related to assistive technology, to employers.

Specific activities may also include the following:

1. Assessing employability factors
2. Developing a placement plan
3. Coaching in developing and implementing a job search plan

4. Networking with employers
5. Use of community employment resources such as job clubs, career centers or the workforce development system
6. Job modification
7. Setting up work experience training, on-the-job training, and work try-outs (See Section 10.04, Work Experience Training and Section 10.05, On-the-Job Training, for additional information.)
8. Consultation with employers or supervisors as necessary to retain employment, including sharing information on natural supports
9. Coordinating adaptive or assistive (rehabilitation) technology related to a specific employment opportunity and related personal assistance services
10. Planning for post-employment services

While a placement plan is required in working with a partner provider, the VR counselor should consider the development of a placement plan a best practice. A placement plan can be a useful tool for participants, VR counselors and other professional staff. The placement plan clarifies specific activities, time frames, and who is responsible for task completion.

### Placement Services for Employed Individuals

Placement-related services can be provided as necessary for participants who are at risk of losing their job or to advance in employment.

When developing an IPE for a participant who is already working, the employer's responsibilities under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act should be considered when determining services/equipment to be provided by NYSCB.

### Follow-Up During Job-Retention Period

Once a participant begins employment, the VR counselor (and the placement provider, if appropriate) must work to verify that the participant can retain the employment over time. An employment outcome is achieved only if the participant has maintained their employment for a **minimum of 90 days** (job-retention period). The goal of long-term employment makes support during this time critical. At the end of this period, the participant, the VR counselor, and the employer must consider the employment outcome to be satisfactory and agree that the participant is stable in their employment and performing well on the job.

The VR counselor should extend the job-retention period if requested by the participant or employer for a specific valid reason such as assuring that the essential performance standards of the job are being met. During the job-retention period (or later under post-employment services), the participant can receive training to manage new responsibilities or be provided with adaptive equipment to maintain employment. The employer can also be provided with technical assistance during follow-up.

#### Follow-Up After Program Exit

NYSCB is responsible for reporting employment information to the federal government for four quarters after program exit. The VR counselor may contact the participant to check on employment status and gather necessary reporting information. This follow-up will also allow VR counselors to promote long-term employment and address any concerns the participant may have.

#### Economic Need

Placement services are not contingent on a participant's economic need status. However, the provision of certain specific services in support of placement, such as the provision of high-tech equipment, may be contingent on economic need. See Chapter 5.00, Determination of Economic Need, for additional information.

When a participant does not meet economic need, the VR counselor may assist the participant in identifying alternative resources, such as the Equipment Loan Fund, to cover the cost of placement-related expenses.

#### Comparable Benefits

Placement services are not subject to consideration of comparable benefits. See Chapter 11.00, Comparable Services and Benefits, for additional information.

#### Relationship of Placement to Post-Employment Services

Post-employment services can be any VR services provided after successful closure (Status 26) if the service is necessary to retain or advance in employment. In general, this could mean that placement services can be provided as a post-employment service when the criteria for post-employment services are met. See Chapter 13.00, Post-Employment Services, for additional information.

Introduction

Supported employment is competitive integrated employment that is intended for individuals with the most significant disabilities. Supported employment is like direct placement but provides greater support throughout the process. Supported employment is a collaborative effort between the participant, the VR counselor, and a community rehabilitation provider. Supported employment is intended to be for the maximum number of work hours per week, based on the individual's unique strengths, resources, interests, concerns, abilities.

Definitions

1. "Supported Employment" refers to competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities. It is intended for whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent because of a significant disability; and who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated state unit, to perform this work.
2. "Competitive Integrated Employment" is work performed on a full- or part-time basis, averaging at least 20 hours per week for each pay period and for which the individual is compensated in accordance with the Fair Labor Standards Act and the NYS Wage and Hour Regulations. For other individuals who cannot work 20 hours, the maximum hours can be determined in his or her Individualized Plan for Employment (IPE). Unpaid and summer employment do not qualify as supported employment. Seasonal employment is only allowable if it is typical of a local labor market.
3. An "Integrated Setting," for the purposes of a job placement, is a setting typically found in the community where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are

not individuals with disabilities and who are in comparable positions interact with these persons.

4. Individual with a "Most Significant Disability" means any individual:
  - a. who has a severe physical or mental impairment which seriously limits three or more functional capacities in terms of an employment outcome; and
  - b. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period (nine months or more) and need intensive supported employment services over an extended period to perform and sustain competitive work.
5. A "Substantial Functional Limitation" is a limitation resulting from physical, sensory, mental, or cognitive impairments, which restricts the person's ability to function independently in family, community, and employment activities. A substantial limitation is pervasive and is not easily overcome by readily available methods or resources, or in a short period of time.
6. "Ongoing Support Services" are services that are needed to support and maintain an individual with the most significant disabilities in supported employment. These services are provided at least twice a month, usually at the work site, during both the intensive and extended service phases of the individual's employment. The goal of these services is to develop and/or maintain employment stability. These services can occur at places other than the work site at the request of the participant. If provided away from the worksite, it must be documented in a case note and consist of at least two meetings with the individual and one contact with the employer each month.

Ongoing support services may consist of

- a. necessary additional assessments at the work site;
- b. job coaching at the work site;
- c. job development and placement;
- d. social skills training;
- e. regular observation or supervision;
- f. follow up services with the individual, employers, parents, family members, advocates, other authorized persons;
- g. facilitating natural supports at the work site; and
- h. other support services at or away from the work site, such as transportation and personal assistance services.

7. "Extended Services" are the ongoing support services and other appropriate services provided by state agencies, private organizations, employers, or any other source, to assist the individual in maintaining supported employment once intensive supported employment services are completed.
8. "Customized Employment" is competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual and designed to meet the specific abilities of the individual and the business needs of the employer. It may include customizing a job description, developing specific job duties, identifying a work schedule, and/or providing services and supports at a job location.
9. "Youth with a Disability" is an individual with a disability who is not younger than 14 and not older than 24.

### Models of Supported Employment

Supported Employment is achieved through several models, strategies and techniques often developed through joint efforts among state agencies, non-profit organizations and local and community groups.

The "Individual Competitive Placement" model is the placement of an individual with the "most significant disability" in an integrated setting with support and training at the work site. Individual Competitive Placement should always be considered first, and other options only considered after attempting Individual Competitive Placement.

An "Enclave" is a small work group which is integrated among the regular work force of a single industrial establishment.

A "Mobile Crew" is a small work crew (no more than eight individuals), which provides a single-purpose service at several places of business in the community (such as a janitorial service) and operates from a vehicle with one supervisor.

### The Role of the VR Counselor

The VR counselor has a primary role in planning and coordinating supported employment services. VR counselors are responsible for periodically reviewing an individual's progress to determine the effectiveness of services and suggest any changes that would promote success. VR counselors should take an active role and remain in contact with the individual, job developer, job coach, and employer throughout

the process. Supported employment services are often provided by general community rehabilitation partners; therefore, the VR counselor is the source of vision-related information and accommodations as well as a link to other vision related support services such as O&M and VRT that may promote success in supported employment.

### Target Population - Individuals with the Most Significant Disabilities

Supported employment services are intended for individuals with the most significant disabilities who, due to the nature and severity of their disability, may need intensive supported employment services or ongoing services to perform competitive work.

### Limitations on Provision of Supported Employment

The provision of Supported Employment Services is limited in that the services must be

1. needed to support and maintain an individual with the most significant disabilities in employment.
2. based on documentation and a determination by NYSCB of the individual's needs as specified on an IPE; and
3. provided for a period not to exceed 24 months (beginning at the time of placement in the work setting when on-the-job intensive coaching is first provided) before the transition is made to extended services. Under special circumstances, the individual and the VR counselor can jointly agree to extend the 24-month time frame to meet objectives identified in the IPE.

### Supported Employment IPE and Documentation

A Supported Employment IPE must be developed outlining the services to be provided to everyone under the Supported Employment program. Supported Employment should be selected in the "Type of IPE" field. A copy of the IPE must be provided to the supported employment contractor to maintain in their files.

In addition to the IPE requirements in Chapter 6.00, case documentation for supported employment must include

1. a description of the extended services needed;
2. identification of the state, federal, or private programs that will provide continued support;

3. a description of the basis for determining that continuing support is available;
4. determination of the minimum weekly number of hours the individual can work at the time of transition to extended services; and
5. if services will exceed the time limited 24 months, documentation which indicates that longer services are necessary for the individual to achieve job stabilization prior to making the transition to extended services.

Note: During the development of the IPE, it is important to identify what support services would also be needed in promoting successful outcomes. These services could include but are not limited to situational assessment, orientation and mobility, vision rehabilitation therapy, and social casework. These services will most likely be provided by a blend of blindness and general community providers.

#### Determination of Ongoing and Extended Services

The VR counselor should take all steps necessary to identify and document availability of ongoing and extended services. VR counselors should work with individuals throughout the VR process to obtain eligibility with extended service providers such as the Office for People With Developmental Disabilities (OPWDD) and the Office of Mental Health (OMH).

#### Periodic Reviews

The VR counselor will conduct periodic reviews of individuals receiving supported employment services to determine whether supported employment services should be continued, modified, or discontinued.

Supported employment services must be reassessed by the VR counselor at least once during every 90-day period. The VR counselor's decision should be based upon the individual's progress as determined through reports and regular contact with the employer, job coach, and the individual. The periodic review will be documented in a case note.

#### Authorizations and Referrals for Supported Employment Services

NYSCB provides supported employment services through use of the ACCES-VR Supported Employment Contract. VR counselors should coordinate all referrals and authorizations for supported employment services with the NYSCB home office. VR

Counselors should refer to the ACCES-VR Supported Employment Guidelines for a complete list of referral information needed.

### Status 18

As soon as the supported employment IPE is signed, the participant should enter Status 18 and remain in that status until stabilization has occurred or the 24 months have ended, whichever occurs first.

### Stabilization, Status 22

Stabilization will occur when the VR counselor determines that the supported employment placement is expected to remain intact for the indefinite future. This will be determined through the employer's and individual's satisfaction with the job performed and by the fact that a system of support is in place and will be carried out by a long-term provider. At this point, the participant's case should enter Status 22.

### Transition to Extended Services

During the development of the supported employment IPE, the VR counselor will have determined funding sources for extended follow-along services to be provided after VR funded intensive services have been terminated. Such funding may be available through NYSCB (only for youth with a disability), OPWDD, OMH, private agencies, or a special state fund for extended services. NYSCB has worked with ACCES-VR, OPWDD and OMH to develop a memorandum of understanding (MOU) regarding the provision of supported employment services.

### Extended Services for Youth

NYSCB can provide extended services to youth with the most significant disabilities, using VR funds, for a period not to exceed four years, or until such time that a youth reaches the age of 25 and no longer meets the definition of a youth with a disability, whichever occurs first. If other extended service options are available, youth should be transitioned to those providers. If no other extended service provider is currently available, VR counselors should work to identify other extended supports to avoid disruption of services.

Case Closure

Separate requirements are specified for different scenarios, depending on whether the individuals with most significant disabilities, including youth with the most significant disabilities, achieve competitive integrated employment or work toward competitive integrated employment on a short-term basis, and whether they are receiving extended services and any other VR services from NYSCB or from other service providers.

For an individual with a most significant disability, including a youth with the most significant disability, who has achieved an employment outcome in supported employment in competitive integrated employment, the case is closed at the time the individual

1. achieves the employment outcome,
2. satisfies the requirements for case closure, and
3. is not receiving extended services or any other VR service provided by NYSCB.

For an individual with a most significant disability, including a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis and is receiving extended services from funds other than NYSCB, the case is closed when the individual

1. achieves competitive integrated employment within the short-term basis period,
2. satisfies the requirements for case closure, and
3. is no longer receiving vocational rehabilitation services provided by NYSCB.

If an individual does not achieve competitive integrated employment within the short-term basis period, the service record will be closed unsuccessfully.

For a youth with a most significant disability who is receiving extended services provided by NYSCB, the case will be closed when the youth

1. achieves an employment outcome in supported employment in competitive integrated employment without entering the short-term basis period,
2. is no longer eligible to receive extended services provided by NYSCB because the youth
  - a. no longer meets the ages requirements established in the definition of a youth with a disability,
  - b. has received extended services for a period of four years, or

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- c. has transitioned to extended services provided with funds other than NYSCB (i.e., OMH or OPWDD).
- 3. satisfies the requirements for case closure, and
- 4. is no longer receiving any other VR service from the VR agency provided with VR program funds.

For a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis, the case will be closed when the youth

- 1. achieves competitive integrated employment within the short-term basis period,
- 2. is no longer eligible to receive extended services provided by NYSCB because the youth
  - a. no longer meets the age requirements established in the definition of a youth with a disability,
  - b. has received extended services for a period of four years, or
  - c. has transitioned to extended services provided with funds other than NYSCB, i.e., OMH or OPWDD.
- 3. satisfies the requirements for case closure, and
- 4. is no longer receiving any other vocational rehabilitations services provided by NYSCB.

If a youth does not achieve competitive integrated employment within the short-term basis, the case will be closed unsuccessfully.

### Post-Employment Services

Individuals who have successfully completed a supported employment program may be eligible for Post-Employment Services (PES) through NYSCB in addition to the extended services being provided to maintain the supported placement. PES services should be limited to the provision of time-limited specific interventions, which cannot otherwise be provided through extended services.

### Reapplication for Supported Employment Services

At the time of closure, the participant (and, if appropriate, their representative) should be advised that they may reapply for services if: they can no longer continue in supported employment; the current supported employment placement is no longer appropriate, or additional VR services may enable them to obtain unsupported competitive employment.

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### Comparable Benefits

To maximize the use of Title I and Title VI-C funds for supported employment, NYSCB will make maximum use of services from public agencies, private non-profit organizations, and other appropriate resources in the community to carry out a supported employment program.

### Background

The Randolph-Sheppard Vending Facility Program is a federal program administered by NYSCB. It provides business opportunities for NYSCB participants as Business Enterprise Program (BEP) facility managers in federal buildings.

New York State has a similar program which provides business opportunities for NYSCB participants as a sole proprietor in a retail facility in state buildings. Opportunities are also available in municipal and private buildings.

### Types of Retail Facilities

There are five types of Business Enterprise Program facilities that may be established:

1. Automatic – where vending machines are located at various sites and near each other
2. Vending routes – where vending machines are located at various sites and not near each other
3. Retail store – providing pre-packaged merchandise (candy, newspapers, tobacco, beverages, lottery, etc.)
4. Snack bar/deli – serving prepackaged or prepared on and off premises food and refreshment items
5. Cafeteria – full-service food operation serving hot meals

### Training Components

There is a training program for individuals interested in BEP. It has an online component and an on-site training, which is conducted regionally. The training program qualifies individuals to own and operate the various types of facilities. Licensed owners/managers are provided additional training as needed based on available opportunities. Each training program is intended to be participant-centered, having the flexibility to address everyone's needs. However, each participant must demonstrate the skills needed for successful facility management before being considered eligible for licensure. Because participants can learn at an individual pace, the length of each training program may vary.

### Length of Training

Training is completed at the individual's pace and therefore can vary accordingly. It will include a minimum of six weeks of on-site training.

### Definitions

The following terms, as defined, are used throughout this policy:

1. BEP Director – the home office BEP staff member responsible for all BEP operations
2. Candidate – an NYSCB participant who has been referred to the Business Enterprise Training Program
3. District Supervisor – a BEP staff member responsible for field operations in one of three BEP districts; district supervisors are in Buffalo, Albany, and New York City
4. Business Enterprise Program Specialist (BEPS) – a BEP staff member responsible for supervising program members who manage a BEP facility and is actively involved in training
5. BEP Training Manager – BEP owner/manager who has been selected to participate in the training of candidates at selected training sites
6. BEP Training Program – the VR-sponsored training program designed to teach participants the skills needed to own and operate a BEP facility
7. Licensure – signifies that an individual is eligible for consideration to own and operate a retail facility
8. Program Member – an individual who is licensed and placed as a BEP facility manager or as an employee of a facility manager

### Training Program Requirements

All BEP members are licensed by NYSCB to own/manage retail facilities. To meet the basic requirements for licensing, an individual must

1. be legally blind,
2. be a United States citizen,
3. be at least 18 years old, and
4. successfully complete the BEP training program. See *Business Enterprise Program Training Manual* for more information.

**Benefits**

A member of the BEP is entitled to benefits which can include the following:

1. Small business ownership in a NYSCB-administered BEP facility
2. Financial Distribution Program
3. Life insurance
4. Medical insurance premium reimbursement
5. Promotional opportunities

**Promotions**

The retail management training program will provide, where possible and feasible, for the advancement of program members who merit and are interested in such advancement. Promotional opportunities become available through the promotional list and are filled following the promotional policy as in the BEP handbook.

**Rule**

Being licensed as a manager does not guarantee placement as a manager or as an employee of a manager. Placement is subject to availability of positions and opportunities.

**The Business Enterprise Training Program**

The Business Enterprise Training Program is designed to prepare NYSCB participants to become licensed BEP business owners/managers.

**Role of VR Counselor**

The VR counselor is responsible for the identification and referral of participants to the Business Enterprise Training Program. The VR counselor is also responsible for service coordination for any participant referred to the Business Enterprise Training Program. See the *Business Enterprise Training Manual* for further information.

Role of the District Supervisor

The district supervisor will

1. determine if individuals are appropriate for the program,
2. accompany individuals interested in the BEP on on-site visits,
3. obtain criminal and credit background checks,
4. monitor progress of individuals in the training program in conjunction with the VR counselor,
5. administer on-site training, and
6. determine training program completion.

Required Personal Attitudes and Characteristics of BEP Candidates

Positive attitudes and characteristics are essential for success in the BEP. Before making a referral to the Business Enterprise Training Program, the VR counselor must first determine that a participant meets these basic referral requirements:

1. U.S. citizenship and at least 18 years of age
2. Willingness to participate in Orientation and Mobility (O&M) training to successfully travel to and from training and worksite locations
3. The ability to be independent in activities of daily living, including personal hygiene, clothing management, and personal finances
4. The ability to communicate effectively, including the ability to keep notes and records for training and business purposes
5. Must be able to accomplish required physical tasks of the job, including long hours and physical labor
6. The ability to utilize functional math skills, including addition, subtraction, multiplication, division, fractions, and decimals
7. An awareness of the demands of self-employment as in the BEP
8. Some basic computer skills are a necessity for success. and training will be provided to the level that is needed.
9. Self-motivated and self-reliant as well as having problem solving skills
10. The interest in becoming a member of the BEP and a sole proprietor of a retail facility and enjoy working with people and the public

VR counselors should introduce the BEP to applicants at intake and whenever appropriate to goal planning and give the applicant any available appropriate literature.

When the VR counselor and participant identify BEP as a potential vocational goal, a Self-Employment Inventory will be administered and discussed with participant in addition to discussing the characteristics listed above.

The VR counselor should include a viewing of the BEP videos (on the website or available on disk) in this discussion.

Additionally, the VR counselor should authorize an ATC Readiness Evaluation as basic computer skills are required for training.

#### Prior to a Formal Referral to BEP Training

1. The VR counselor will set up and attend a meeting with the participant and the BEP district supervisor for a general introduction to the program and how it works.

The BEP district supervisor will cover the following information:

- General training overview and standard time frames
  - Discussion of current and projected store availability
  - Self-reliance component of being a sole proprietor
  - Physical demands and long hours of store operation
  - General requirements of store management
  - Overview of employee management responsibilities
  - Working with the public, host agencies, and the BEP
  - Security access and effect of criminal history
  - Lottery license and effect of criminal history
  - Need for background check and credit check
  - Effect of personal financial obligations on business success
  - Earning potential of a BEP career
  - Rewards of being an owner/manager
  - Rewards commensurate with the effort put in
2. The VR counselor will accompany the participant on a visit to at least two BEP locations (newsstand and another store type). This will be arranged and conducted by the BEP district supervisor so that any questions can be answered during the tour.

3. The VR counselor will then meet with the BEP district supervisor to review initial impressions and discuss any remediation that may be needed prior to a formal referral.
4. The VR counselor, BEP staff, and participant will meet and decide whether to continue with BEP as a vocational goal and whether to make a formal referral. The VR counselor and BEP staff will share information as necessary and appropriate for program participation. No *Release of Information* form is necessary between NYSCB staff.
5. BEP Staff will arrange a criminal record background check and a credit check (a criminal record does not prevent participation in training but can restrict placement. Federal locations and lottery locations can be limited depending on criminal offense). Discrepancies in a credit report and/or delinquent child support payments may affect acceptance into training, or the time frame for acceptance while credit situation is remediated (can result in rehabilitation funds being seized by the government). If the participant has a sex offender status, the BEP staff will decide regarding the impact of that sex offender status (a sex offender status does not prevent participation in training but can restrict placement in certain locations such as any location with child care or within proximity to school).

#### Formal Referral to the BEP Training

1. The VR counselor will complete the *Business Enterprise Training Program Referral Form* and attach the following:
  - Intake summary or updated participant summary
  - Proof of citizenship
  - ATC Readiness Evaluation Results
  - Self-Employment Inventory
  - Most recent eye report/eye medical report (should be within two years)
  - Pertinent assessments and vocational, psychological, and or training reports as well as any other existing assessment or testing information available
  - Information regarding all support services, including counseling, which the participant will be receiving during training
2. The VR counselor will submit the referral to the local district supervisor (BEP will respond to the VR counselor within two weeks of receipt of the referral).
3. The VR counselor and participant should discuss and address any O&M or VRT needs prior to the start of the assessment or training.

4. The VR counselor and participant should also discuss and address any equipment needs prior to the start of the assessment or training. However, if at any time during the assessment or training, if it is felt by BEP staff that adaptive equipment should be considered, the BEP staff should discuss the need with the VR counselor, prior to discussing it with the participant, and appropriate recommendation and purchasing procedures will be followed by the VR counselor.
5. If the BEP staff accept the referral, they will meet with the participant and a training agreement will be signed as well as any other necessary forms. The formal assessment will be scheduled as well as an online math assessment and any required mandatory training prior to participant being on-site.

#### Business Enterprise Training Program Assessment

The assessment will be two weeks (mandatory) in length. The assessment will take place at a BEP store, full-time, Monday – Friday. The assessment will be arranged and conducted by the BEP specialist with assistance from the BEP manager where the assessment is taking place. The participant will receive online course work to be completed in conjunction with the two-week assessment.

Throughout the two weeks, the participant will be continuously evaluated on:

1. Note taking ability
2. Math skills
3. Stamina/physical limitations
4. Problem solving ability
5. Customer relations/Social skills
6. Learning ability
7. Adaptive skills
8. Personal management (hygiene, dress, grooming)
9. Mobility/travel skills, attendance/punctuality
10. Adaptive equipment needs

At the completion of the assessment a Training Assessment Report will be completed by the BEP staff, the BEP manager and the participant.

It is assumed that the VR counselor, as part of their role, has already assessed the appropriateness of this goal for this participant; however, if the BEP Training Assessment reveals areas of concern, these will be discussed, and the VR counselor can determine what further evaluations are needed, such as the following:

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1. Medical reports
2. Functional skills
3. Psychological/Neuropsychological evaluation
4. Adaptive Skills Test
5. Memory/Language assessment
6. Wide-Range Achievement Test
7. Other appropriate/available evaluations

After all documentation and assessment results are gathered, a meeting with the district supervisor and the VR counselor will be held to discuss the results of the assessment. A collective decision will be made as to whether to

1. initiate training, or
2. provide any required remediation prior to start of training, or
3. recommend against the BEP as a vocational goal.

A meeting will be held with the participant, the VR counselor, and the BEP district supervisor to discuss and review the assessment results, discuss strengths and issues, answer questions, and advise as to acceptance into the program or the need for remediation. The participant will then accept or reject the plan.

If remedial training is recommended, a remediation plan will be developed and completed with a successful outcome prior to the start of training. Assessment of the remediated skill or behavior may be required prior to acceptance into training.

After acceptance into the training program, the VR counselor will arrange for an ATC evaluation, equipment, and training to be completed prior to the start of the BEP training, and the VR counselor will complete an authorization for the BEP coursework.

### Dog Guide Requirement

Before beginning the training program, candidates who utilize dog guides must show evidence from a veterinarian that the dog has updated vaccinations and is free from parasites.

### ServSafe and We Card Training

Participants must successfully complete ServSafe, and We Card training and certification and must successfully pass the ServSafe certification examination.

### Scheduling the BEP Training

The BEP district supervisor will schedule the start of training and will select the BEP stores to be used for on-site segments. The BEP staff will meet with the participant and outline and explain the specific training plan.

Throughout training, the BEP staff will be in regular contact with participant as training progresses and will share progress with the VR counselor. If there is a lack of progress, the BEP staff will contact the VR counselor and a meeting will be scheduled to discuss concerns.

The BEP staff will continue to monitor the participant throughout completion of the training program and submit training reports. The VR counselor should review these reports and if necessary, provide additional services needed by the participant.

### On-Site Training

Upon successful completion of the designated preliminary training, the participant will complete the on-site portion at a BEP business. The length of the on-site training is flexible with a minimum of six weeks. This allows the participant to work at least one full monthly cycle or more, if necessary. During the on-site training, the participant will be expected to be present at the facility for all normal working hours. This will include hours when the facility is normally closed to complete necessary paperwork. During the on-site training, the participant will perform all management functions of the store (under the oversight of the BEP staff). Regular reports of activities performed are created by the BEP staff, the BEP training managers, and the participant. Monthly reports will be submitted to the VR counselor. The VR counselor should review these reports and if necessary, provide additional services needed by the participant.

The BEP staff will determine the schedule and location for onsite training.

### Fees to Training Managers

Training managers will be used to actively train participants at the direction of the BEP trainer.

Manager training fees will be \$40 per day for facility use when the BEP specialist is present and \$80.00 per day when the BEP specialist is not present. These fees will be

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paid by the VR counselor monthly based on the report received from the BEP trainer. The BEP trainer will track days to be paid to manager trainers.

### Throughout the BEP Training

If issues develop during training, the VR counselor and the BEP trainer together will determine the recommended course of action. The senior counselor and the BEP district supervisor must be consulted before any plan is put into action.

If issues develop that result in the need to terminate a trainee, the district manager, senior counselor, the BEP director, and the BEP district supervisor must be consulted before the plan is put into action.

### Recommendation for Licensure

Upon successful completion of the training program, the participant will be recommended for licensure. A BEP training staff member will submit the recommendation to the BEP supervisor. When approved by the BEP supervisor, the license will be prepared and issued to the participant with copies to the following:

1. District supervisor
2. Participant's personnel file (BEP)
3. Participant's case record (vocational rehabilitation)

Once a participant is licensed, they are subject to all the rules and regulations of the BEP.

### Licensure Meeting

The participant will be scheduled for the licensure meeting at the end of the training program. A member of the BEP staff will conduct this meeting at a site acceptable to all parties. The licensure meeting will provide each participant with an understanding of the policies, the procedures, and the regulations of the EP. During the meeting, special emphasis will be placed upon the responsibilities, expectations, and relationships that are part of the program.

At the conclusion of the licensure meeting, the newly licensed manager will be informed about the availability of opportunities as a facility manager or potential for other employment.

Note

Participants qualify for membership in the BEP when they become licensed. Most benefits begin with actual placement as a licensed manager or as an employee of a licensed manager.

Placement Assistance

The VR counselor can authorize the following services for first-time placement of a manager in a retail and/or first-time placement in a foodservice facility:

1. A maximum of 20 hours of on-site instruction to provide the support needed during the first days of managing a facility independently
2. License fees (i.e., resale certificate, cigarette license, fingerprinting)
3. Permits (cigarette, health, DBA, etc.)
4. Telephone installation
5. Deposits (newspaper, telephone, etc.)
6. Unemployment insurance (first premium or first installment, whichever is less)
7. Disability insurance (first premium or first installment, whichever is less)
8. Workers' compensation (first premium or first installment, whichever is less)
9. Change fund (\$450 per site, additional \$300 if also a lottery location)
10. Fees to open a bank account and purchase of first check order

Expiration of License

The license of a manager will expire when a licensee

1. retires from BEP,
2. experiences a restoration of vision and is no longer considered legally blind,
3. fails to return at the end of an approved leave of absence, or
4. fails to accept a position as manager or secure permanent employment (at least 20 hours per week) in a BEP facility within one year of receiving license

VR Case Closure

The VR counselor is responsible for determining when to close the participant's case. The VR counselor should notify the BEPS and the participant when their case has been closed. See Chapter 2.00, VR Process, for information on case closure.

### Upward Mobility Training

The Randolph-Sheppard Law mandates that each state licensing agency provide for upward mobility training "for all licensed vending facility managers." Therefore, licensed retail managers should have access to additional training, as needed, to manage other types of BEP businesses, e.g., a deli, café, express stop, or vending routes as they become available. The nature and extent of these upward mobility services will mean that each manager interested in these services will need to have their case reopened, and training needs will be addressed on an individual basis.

### Referral Process

A retail manager who is in good standing in the BEP (as determined by the BEP staff) and has a current ServSafe certificate can be referred to the Foodservice Management/Deli Training Program. In most cases, the retail manager will discuss their interest in the program with their BEPS. The BEPS will consult with the BEP district supervisor to determine if the manager is ready to enter the Foodservice Management/Deli Training Program. If the district supervisor agrees that the manager is ready to participate in the program, the BEPS will confer with the VR counselor so that the manager's case can be reopened.

### VR Counselor Responsibilities

The VR counselor assigned to a manager participating in the upward mobility training program is responsible for the following:

1. Case reopening
2. Voucher preparation for training (lodging, transportation, etc.)
3. Service coordination

### BEP Candidate Responsibilities

Each BEP retail manager is responsible for obtaining coverage for their retail facility during the absence caused by participation in upward mobility training. The BEP retail manager maintains responsibility for the effective management of their retail business.

NYSCB will reimburse the BEP manager for the cost of their replacement needed during the training program. The cost of the manager's replacement, which will be approved by the BEPS, must be within accepted industry standards. The BEPS will provide a schedule to the VR counselor.

Completion of Upward Mobility Training Program

Upon completion of the Upward Mobility Training Program, the manager will return to the retail business that they are responsible for managing. NYSCB reimbursement for the manager's replacement ends at this time, and the VR counselor should place the case in Status 22 and will follow the procedure for case closure.

When placed as a foodservice/deli facility manager, post-employment services can be provided if needed. If the manager successfully completes the Foodservice Training Program/deli, they will be eligible to bid on any facility vacancies. If the manager does not successfully complete the Foodservice Management Training Program/Deli, they will be eligible to bid on only retail facility vacancies.

Vending Machine Training

Each person participating in the BEP Retail Training Program will be expected to demonstrate basic skills related to vending machines. For those participants appointed to an automatic location, successful completion of a comprehensive, short-term training program will be mandatory. The VR counselor should be prepared to pay for the cost of the training as well as the expenses the BEP manager might incur to participate in the training program. This Vending Machine Training Program is part of the Upward Mobility Training Program, and therefore all policies related to upward mobility training are in effect for this training program as well.

BEP Referral to VR

If a BEPS determines that a program member is having problems that are affecting their ability to successfully manage a BEP facility and attempts to resolve the issues with the manager have not been successful or require more resources, the BEPS will discuss the situation with the BEP district supervisor. If the district supervisor feels that VR might be able to assist in developing a plan to address the problem(s), they will complete the "BEP Referral to VR" form and forward it to the senior counselor who will assign the program member to a VR counselor as they would any application received.

The VR counselor or senior counselor will meet with the program member, the BEPS, and the BEP district supervisor within two weeks of receiving the referral. The problems outlined by the BEPS will be discussed and a plan developed.

If the consensus of the group is that the program member's problem(s) could be alleviated with additional BEP skills training, the BEPS will aid in the development of a training plan. If the consensus of the group is that the program member's problem(s) could be alleviated with other VR services, the VR counselor will be responsible for developing a service plan. The VR counselor is responsible for all case management services.

#### Program Member Responsibility

The program member should expect to participate in training services during normal working hours. The program member is responsible for providing coverage for the BEP facility during the time they are participating in the planned services. During the training program, the BEP program member will meet regularly with their BEPS and VR counselor to discuss progress toward achieving the training goals.

#### Post-Employment Services

Provisions of the Randolph Sheppard Act provide that any licensed program member whose case is closed may be eligible for post-employment services to achieve their maximum vocational potential and maintain employment within the State Retail Facility Program. See Chapter 13.00, Post-Employment Services, for further information.

### Choosing Self-Employment

Self-employment is a vocational option that may be considered when it is determined that it is the most appropriate method for an individual to reach their employment goal. Self-employment can be an exciting and productive employment outcome for participants who have the skills, interests, resources, and supports to develop and manage their own business.

NYSCB can assist with self-employment in accordance with the policies and procedures in this chapter. When considering self-employment to achieve an employment outcome, the VR counselor and the participant should review and discuss the information in this chapter.

It is important to realize that the process of establishing a business is lengthy and that purchases must adhere to policies and procedures prescribed by New York State. All parties involved in the establishment of the business should be prepared to deal with the time frames necessitated by the process of developing a business plan, and if approved, implementing the plan.

### NYSCB Assistance and Services

When self-employment is determined to be the appropriate means to an employment outcome, NYSCB will provide assistance with services based on individual needs. Assistance and services may include, but are not limited to the following:

1. Referral to community resources for basic business courses, assistance in developing a business plan, and assistance in business start-up
2. Purchase of specific goods and services in accordance with an approved Individualized Plan for Employment (IPE) and with this policy
3. Purchase of other VR services needed to successfully achieve self-employment

NYSCB can also assist an individual who is eligible for VR services who is already self-employed. Business plans for individuals who are already self-employed must be carefully reviewed. NYSCB funds may not be used to make up for financial difficulties caused by poor management and planning or as a substitute for funds an individual can obtain from a lending institution. If NYSCB was not involved in establishing the initial business, NYSCB can contribute up to \$15,000 in accordance with an approved IPE.

### Restrictions Regarding NYSCB Involvement and Assistance

The restrictions listed below apply to NYSCB involvement and assistance with

establishing a self-employment enterprise. NYSCB will not

1. be the only funding source of a self-employment enterprise;
2. purchase or lease any type of vehicle that is needed for the business;
3. sign a lease or purchase any building or land;
4. make any improvements or permanent additions or modifications to any business property except to the extent necessary to make the property accessible to the individual operating the business;
5. fund business license renewals;
6. support a business that doesn't comply with all relevant state, federal, and local laws and regulations;
7. support businesses that are highly speculative in nature, those organized as non-profits or those where the business plan demonstrates that the closure criteria would not be met;
8. refinance existing debt; nor
9. purchase "good will" – an intangible saleable asset associated with the reputation of a business and its relationship with its customers.

#### VR Counselor's Role

NYSCB's role in working with a participant whose employment outcome is self-employment is to

1. assist the individual in locating information about self-employment prior to deciding to pursue self-employment;
2. assess the participant's potential for self-employment;
3. assist the participant in obtaining the skills and tools necessary for the business;
4. guide and support the participant through the self-employment process;
5. provide the individual with information on community resources that can provide support during the self-employment process (e.g., VR self-employment guide, small business development centers (SBDC), Senior Corps of Retired Executives (SCORE), Small Business Administration (SBA), New York State Preferred Source Program (NYSPSP);
6. review and evaluate the participant's business plan to determine when it is ready to present to the self-employment committee; and
7. participate in the review of the business plan by the self-employment committee.

### Participant's Role

Participants who have a self-employment goal are responsible for the following:

1. Participating in a NYSCB assessment to determine whether self-employment is appropriate
2. Preparing and submitting a business plan using the VR self-employment guide or other business plan prototype that includes the required elements of a business plan
3. Identifying funding sources for the business
4. Presenting their business plan to the self-employment committee
5. Implementing the business plan to establish the business, including securing funding to support the business plan, and providing quarterly financial statements to NYSCB after the business has been established, until case closure

### Economic Need

The purchase of allowable goods and services for a business (listed below) is contingent on economic need. If a participant meets NYSCB economic need, NYSCB may purchase allowable goods and services, up to a maximum of \$15,000, in accordance with the individual's IPE and NYSCB policy.

The purchase of consultant services to assist a participant to develop a business plan is not contingent on economic need.

### Assessing an Individual's Potential for Success in Self-Employment

A self-employment goal is a large investment of time and resources for both the participant and for NYSCB. To increase the possibility of a successful self-employment outcome, an assessment, including the readiness self-assessment worksheet, must be completed prior to proceeding with the self-employment process.

### Assessment

The assessment should take place soon after the participant expresses interest in self-employment. Information gathered during the assessment should be documented in a

case note. It should include but not be limited to a discussion of the following issues:

1. The individual's previous experience in the employment area including related employment and/or education
2. The individual's ability to interact appropriately with the public
3. The availability of assistance and support from the individual's family
4. The individual's preliminary concept of the proposed business
5. The individual's willingness and ability to locate, secure and use other funding sources
6. Whether the individual has the physical and mental capabilities to meet the work requirements of the proposed business. O\*Net should be used as a resource.
7. Potential barriers to successful achievement of the self-employment goal and possible solutions to address each of the barriers

The following questions can be used to address many of the assessment components noted above.

1. Why do you feel self-employment is the best way for you to achieve your vocational goal?
2. What has been your experience in dealing with the public? Do you enjoy meeting the public?
3. Why have you selected this type of business?
4. What experience do you have in this or a related kind of business?
5. What type of assistance will you need, if any, in establishing and running the business?
6. What information and skills will you need to learn to operate this business?
7. If you do not have experience with this type of business, would you consider working for someone else as a training experience in this field before establishing your own business?
8. How many hours do you anticipate you would need to work each week as you establish the business? To maintain the business. Is this feasible given your other commitments?
9. What level of income are you expecting from the business? Is this a reasonable income level to support you and your family?
10. What financial resources do you have available for establishing the business? Do you have family or friends who will invest in your business? Would you consider borrowing money?
11. Are you aware of the risks involved with establishing a business? Are you prepared to face those risks should they occur?

The Readiness Self-Assessment Worksheet from [vrselfemploymentguide.org](http://vrselfemploymentguide.org)

The readiness self-assessment worksheet will be used as part of the assessment to determine whether to continue to pursue a goal of self-employment. It is designed to be administered in an interview with the participant and is an open-source document designed specifically for use by vocational rehabilitation programs. The inventory covers five target areas: Why self-employment, start-up funding, business skills, needed accommodations, and other challenges.

Next Steps

After completion of the assessment, including the readiness self-assessment worksheet, the VR counselor will meet with the participant to determine whether they should continue to pursue self-employment. If self-employment is not a viable employment outcome, the VR counselor and participant should continue with the vocational exploration process.

If the decision is made to continue to pursue self-employment, the VR counselor and individual should discuss whether the individual is ready to begin preparing the business plan. The VR counselor and individual should also determine whether the individual will need additional skill training prior to or at the same time they are developing the business plan.

Training

Training may be provided to raise the participant's skills to a level where self-employment can be considered a feasible employment outcome. Any training to be provided prior to the development of the IPE should be identified in a case note along with the reason it is being provided. Small business development centers and other community resources can be explored as possible sources for training related to self-employment.

Examples of training which may be useful include the following:

1. Coursework related to the establishment and management of a small business enterprise
2. Coursework in the principles of accounting or business law
3. Coursework to learn to develop a marketing plan

Adaptive equipment needed by the individual for self-employment may be provided in accordance with the policies. See Chapter 5.00, Determination of Economic Need, Section 9.04, Assistive Technology Services, and Section 9.05, Assistive Technology Devices.

### Preparing a Business Plan

If after the assessment, the VR counselor and individual agree that the individual will continue to pursue self-employment, the individual should begin to develop a business plan using either the Business Plan Outline from VR self-employment guide or another business planning tool that includes the required elements of a business plan. Again, the VR counselor and individual should discuss the various community resources available for assistance with this process and appropriate referral(s) should be made.

### Contents of the Business Plan

A business plan is a comprehensive document describing all relevant aspects of the self-employment enterprise. It is the basis for planning the business and provides the rationale for requesting NYSCB's support for the business.

The VR self-employment guide Business Plan Outline or other business planning tool containing the required components must be used to develop a business plan that will be submitted to the VR counselor for review. The expectation is that there will be significant detail in each of the sections of the business plan for NYSCB to evaluate the strength of the business plan and the resources available to support the business. VR counselors should use the list below when reviewing business plans to determine whether they contain the required information.

The business plan, at a minimum, must contain all the following elements:

1. Cover sheet – the name, address, and phone number of the business and the name and contact information (if different from above) of the person who wrote the business plan
2. Executive summary – a one- to two-page overview providing highlights of the business plan
3. Table of contents – a listing of the major sections of the business plan
4. Business and industry description – a detailed description of the business including but not limited to who it will serve, what products or services will be

offered, the number of employees, and the goals of the venture

5. Management, organization, and operations plan – a detailed description of who is involved in the business and how the business will be staffed including but not limited to: identifying staff, their qualifications, and respective roles; an organizational chart; a description of hiring practices; and how business operations will be accomplished
6. Marketing plan and analysis – a detailed plan for marketing the business including but not limited to a description of the target market and the analysis to determine the market need; a summary of the current and future competition; the strengths and weaknesses of the business and a detailed marketing strategy
7. Financial plan and statements – a detailed financial description including but not limited to operating costs, projected expenses and revenues, a cash flow analysis, a breakeven analysis, a balance sheet, and an income statement. The projections identified in the financial plan will provide the basis for benchmarks for determining the stability and progress of the business. These benchmarks will be used in determining when case closure is appropriate.
8. Supporting documents – any additional documents related to the business, including but not limited to leases, patents, licenses, insurance, and other legal documents; current credit report, resumes of critical personnel; letters of intent and memorandums of understanding; regulatory documents, assurances that the business complies with all relevant state, federal, and local laws and regulations; and other documents related to the specific business.

#### Participant's Assurance of Other Resources

NYSCB cannot be the only funding source of a self-employment enterprise. Individuals are required to do a funding search of a minimum of three funding sources and report the outcome of their search to their VR counselor. In addition, individuals are required to furnish assurance acceptable to NYSCB that funding for the project costs not covered by NYSCB will be available for the establishment of the business. This information must be submitted with the business plan. In-kind contributions relevant to the business will be reviewed to determine if they can be considered an additional funding source.

Examples of acceptable assurances:

1. SBA approval letter
2. Letter of approval from bank or other financial institution
3. Proof of available personal assets (e.g., bank statement)

As fiscal solvency is a critical issue for successful business ownership and operation, individuals are required to provide a copy of their credit rating along with their completed business plan. VR counselors may review this credit rating with their supervisor(s) and/or the self-employment review team to determine whether the credit rating will have an impact on the individual's ability to secure adequate resources to implement the business plan. NYSCB can reimburse the individual for the cost of the credit rating report.

#### Informal Business Plan Review – NYSCB Self-Employment Review Team

After the VR counselor determines that the proposed business plan contains the necessary information, the plan is sent to the self-employment review team for their review. The self-employment review team will review the business plan to identify deficiencies, evaluate the financial information, and may make a recommendation about whether the business plan appears to be viable. The team will send a response to the VR counselor identifying any issues that need to be clarified in the business plan and may propose questions that the VR counselor should address with the individual. The review team is also available to discuss questions the VR counselor or their supervisors have regarding the business plan.

#### Use of Outside Consultants (Unpaid)

There are numerous community resources available to provide seminars and workshops and to assist on an individual basis during the self-employment process. This includes assistance in developing a business plan and identifying funding for the proposed business. Several resources are listed below. VR counselors and individuals are strongly encouraged to access the web sites of these organizations and to contact the organizations to determine the type of assistance they can provide.

1. U.S. Small Business Administration (SBA)
2. NYS Empire State Development
3. SUNY Small Business Development Center
4. Service Corps of Retired Executives (SCORE)
5. NYS Preferred Source Program (NYSPSP)

#### Use of Outside Consultants (Paid)

If no other resource is available or deemed appropriate, VR counselors may authorize \$50.00 per hour up to a maximum of \$400.00 for the services of a consultant, an accountant and/or an attorney to assist an individual in the preparation of a business plan.

Consultants must be approved by NYSCB prior to authorization of funds. When a consultant is used, it is important that the consultant recognize that it is critical that the participant takes responsibility for all parts of the self-employment process and that the role of the consultant is to assist the individual and the VR counselor during the process. Consultants with expertise in self-employment can

1. assist the VR counselor with assessing the individual's potential for self-employment,
2. assist the individual in conducting the business feasibility study,
3. assist the individual in the development of the business plan,
4. assist the VR counselor in evaluating the viability of the proposed business and the business plan, and
5. provide recommendations to the individual on how to strengthen the business plan.

#### Formal Business Plan Review - The Self-Employment Committee

If the business plan is considered viable after the issues identified during the informal review of the business plan have been addressed, the VR counselor will convene the self-employment committee to formally review the business plan.

The committee will consist of the following individuals: VR counselor, senior counselor, district manager, at least one member of the NYSCB self-employment review team, and a minimum of one member of the business community (preferably someone who has knowledge of the type of business being proposed). The individual will present the business plan to the committee on a date and time that is convenient to all parties. The committee will also have the opportunity to review the business plan document and any additional documentation submitted by the individual. The committee can request that additional information be submitted by the individual and/or the VR counselor.

The committee is expected to provide guidance and recommendations for improving the business plan. The VR counselor will write up the notes from the meeting including any recommendations.

After receiving the recommendations from the committee, the individual can amend the plan in accordance with the committee's recommendations, choose not to move forward with the business plan or if NYSCB determines that the plan is not viable, the individual can request an appeal of the decision in accordance with the NYSCB appeals process.

#### Updating the IPE

After a business plan has been reviewed by the NYSCB self-employment committee, and approved by the VR counselor and senior counselor, the IPE should be updated to include self-employment services to enable the VR counselor to purchase approved items and

services identified in the business plan.

### Implementing the Business Plan

Implementing the business plan is the responsibility of the individual. The VR counselor is responsible for coordinating services identified on the IPE and for providing needed support and guidance to the individual as they establish the business. In addition to providing assistance with developing a business plan, many of the resources listed in this chapter can help with implementation of the business plan and establishing the business.

### Quarterly Financial Report

Individuals are required to provide quarterly financial reports to NYSCB after the business has been established, until case closure. The reports must include the following information:

1. Cash position
2. Sales and other receipts
3. Costs of goods sold
4. Itemized expenses
5. Net profit
6. All outstanding liabilities

This information will be used to determine the income generated by the business. When compared to the financial projections in the business plan, these reports will also be useful in evaluating the stability of the business. The NYSCB self-employment review team can assist the VR counselor in evaluating the quarterly financial reports.

### NYSCB Financial Participation

NYSCB financial participation in a business is limited, subject to a participant meeting economic need and subject to the availability of funds. NYSCB will not be the only funding source of a self-employment venture.

NYSCB's financial contribution for allowable goods and services is limited to a maximum of \$15,000. Other services identified on the approved IPE that are not part of the business plan are not included in the \$15,000 maximum.

### Allowable Goods and Services

When implementing a business plan, only essential goods and services may be furnished subject to economic need. The following business-related goods and services

## SELF-EMPLOYMENT

12.04.11

may be purchased with NYSCB funds, up to the maximum of \$15,000:

1. Initial inventory as defined in the business plan (one time only)
2. Business related tools and equipment
3. Shelter, which is normally portable, easily dismantled, moved, and reassembled with a minimum loss of value
4. Initial business license(s)
5. Installation and a maximum of three months maintenance of business phone
6. Utilities (a maximum of three months)
7. Business related insurance (a maximum of one year) such as fire, theft, burglary, and liability
8. Rent (a maximum of three months)
9. Advertising
10. Office supplies (not including office equipment)
11. Legal services - legal costs associated with establishing a business enterprise, (e.g., review of legal documents).
12. Accounting services - costs associated with establishing an accounting system and maintenance for a three-month period.

### Criteria for Closure

Businesses can take a long time to develop and achieve profit-making status. Business profit/loss statements can provide operating income data to assess the financial strength of the business which can help the VR counselor to determine when to close an individual's case.

Federal regulations mandate that the criteria listed below be met prior to determining that an individual has reached a successful employment outcome. In addition, although the criteria listed below do not specify a monetary amount or number of hours worked per week, for the employment goal to be considered competitive the individual must be earning at or above the legal minimum wage for the number of hours worked.

Criteria for determining successful closure:

1. The individual has achieved the employment outcome as listed on the IPE.
2. The employment is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. The employment is in the most integrated setting possible consistent with the individual's informed choice.
4. The individual has maintained the employment for at least 90 days.
5. The individual and the VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

### Post-Employment Services

Post-employment services (PES) for individuals who have been closed in self-employment are limited to VR services which are not related to the business except when the start-up contribution from NYSCB was less than the \$15,000 maximum. If NYSCB did not contribute the maximum allowance of \$15,000 and an assessment by NYSCB clearly indicates that providing additional funds for the business would enable the business to be successful, NYSCB can provide additional funds totaling up to a maximum of \$15,000 for the business start-up and the post-employment services. Any funds must be provided in accordance with the list of goods and services in this section and would therefore be limited to those goods and services that are not time limited start-up costs.

Example: An individual who achieved a self-employment goal whose case was closed one year ago contacts NYSCB for assistance. She reports that her business has not grown at the expected rate and that she is concerned that the business will soon begin to falter.

She is requesting additional funds for advertising. After determining that NYSCB's initial contribution to the business was \$12,000, the VR counselor contacted the NYSCB self-employment review team to request a review of the business records. After meeting with the individual to gather additional information about the business, the VR counselor, in consultation with NYSCB self-employment review team, determined that the business could benefit from additional advertising and that additional advertising could make the difference between the business being successful and failing. An additional \$3,000 was authorized during PES for advertising. The VR counselor maintained the case in PES until the next quarter financial records were available and reviewed. At that time, the business was again deemed successful, and the participant's case was closed.

See Chapter 13.00, Post-Employment Services, for additional information.

### Introduction

Post-employment service(s) is the provision of VR services after a participant achieves an employment outcome when necessary for them to maintain, regain, or advance in employment, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and interests.

### Notification to Participants

At the time of successful closure, VR counselors must inform participants of the availability and purpose of post-employment services and their right and responsibility to contact their VR counselor before leaving their job, or if any problems arise jeopardizing their job.

### Post-Employment Services vs. Reopening

In general, a case should not be reopened to provide additional services to assist the individual to retain employment. Needed services should be provided as post-employment services.

If the individual is no longer working and reapplies for services, a new determination of eligibility is made and if eligible, their case can be reopened.

VR counselors should consult with their supervisor in circumstances where the need to provide PES or re-open is unclear.

### Providing Post-Employment Services

Post-employment services should be provided if

1. the individual has achieved an employment outcome;
2. necessary for the individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests; and
3. the services to address the individual's rehabilitation needs are limited in scope and duration and do not require a complex or comprehensive level of service; and if the services can be provided under an amended IPE.

A redetermination of eligibility is not required to provide post-employment services.

### Scope of Services

In addition to counseling and guidance, post-employment services may include any VR service, or combination of services necessary to assist the individual in maintaining, regaining or advancing in employment.

Supportive services such as transportation, maintenance and personal assistance services may only be provided in conjunction with another VR service.

Services provided during post-employment services are subject to the same requirements as the provision of the service during any other part of the VR process. See Chapter 9.00, VR Services, for information regarding specific VR services.

### Medical Information Needed for the Provision of Services During PES

Current medical information should be obtained for individual's receiving post-employment services. The decision to obtain updated information or to use existing information can be made by the VR counselor or in consultation with the senior counselor.

### Post-Employment Services IPE

Post-employment services are to be provided under an amended IPE developed and implemented in accordance with the policies and procedures in Chapter 6.00 - Individualized Employment Plan (IPE). The IPE for post-employment services should be developed when the post-employment services goal is mutually agreed upon by the VR counselor and the individual.

### Advancing in Employment

When necessary, post-employment services can be provided to assist an eligible individual who is employed to advance in employment. The criteria for providing post-employment must be met and the new employment goal must be closely related to the original employment outcome.

In addition, it must be determined that the existing employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests and vocational rehabilitation services are needed to enable the individual to advance employment.

Post-employment services to assist an individual to advance in employment are not intended to support an individual in obtaining a new job that is unrelated to the original employment goal. If an individual is seeking support for a new employment goal, a new determination of eligibility must be made.

Comparable benefits such as employer training programs and employer financial assistance for career advancement must be explored and utilized prior to providing NYSCB services to assist an individual in advancing in employment.

### Business Enterprise Program

Business Enterprise Program Managers will be provided post-employment services as necessary to assure their maximum vocational potential is achieved and employment is maintained within the Business Enterprise Program.

### Outcomes of Post-Employment Services

Post-employment services are completed when

1. the participant has achieved the goal established during PES and has maintained, regained or advanced in employment (status 34);
2. the scope and duration of services to address the individual's rehabilitation needs are such that a new rehabilitation effort should be considered and a redetermination of eligibility, given current circumstances, should take place (status 36); or
3. post-employment services cannot enable the individual to maintain, regain or advance in employment (status 40).

The decision to end post-employment services should be made by the VR counselor in consultation with the participant.

See Chapter 2.00, The Vocational Rehabilitation Process, for specific information for closure from post-employment services.

### Economic Need

Post-employment services are provided in accordance with the guidelines in Chapter 5.00, Determination of Economic Need. A new determination of a participant's economic need status must be made when providing post-employment services.

**Comparable Benefits**

Available comparable benefits must be used during post-employment services. See Chapter 9.00, VR Services, for information on specific services, and Chapter 11.00, Comparable Services and Benefits, for additional information.

### Introduction

State and federal regulations and NYSCB policy requires that certain information be contained in each participant's case record. The extent of this information varies in relation to where the participant is in the VR process. The purpose of this chapter is to provide general guidelines for maintaining a case record. NYSCB uses an electronic case management system (CIS) to manage a participant's case record.

### What is the Case Record

The case record is a compilation of forms, reports, case notes and other documents related to a participant's involvement with NYSCB. The case record provides written documentation of a participant's progress through the VR process.

### What is not Part of the Case record

Supervisory notes to a VR counselor and information not specifically related to the participants VR program are not part of the case record and should not be entered in the case record. This includes information about or names of other staff members or participants. Emails must never be included in the case record. Information that you send or receive in an email that is relevant to a participant's VR program should be summarized in a case note.

### Why Case Notes are Important

Case notes are an essential component of the case record. They provide an overview of the participant's involvement in the VR program as well as justification for the employment goal, the services to be provided and case closure. Specifically, case notes provide

1. information to track a participant's progress through the VR process and should provide information to enable anyone who reads the case record to understand what is currently happening, what has happened and what is planned;
2. information for supervisors when authorizations for services and equipment need to be approved and to justify the appropriateness of expenditures;
3. information for supervisors and quality assurance reviewers to assess compliance with VR and fiscal policies and procedures; and

4. information and support for a decision that is being appealed by a participant.

#### When to Write a Case Note

Case notes should be entered in a participant's case record at least every three months. Additional case notes should be entered as needed to reflect changes in the participant's VR program, to document any issues that interfere with the participant's progress and to justify expenditures for college training, equipment and other significant purchases.

To avoid duplication, information is to be included as a case note only if it is not documented elsewhere in the case record. If the information is included elsewhere, a reference to its location in the case note is sufficient.

#### Case Notes in CIS

A case note can be entered as a free-standing document or as a case note footer at the bottom of a form in CIS. When entered at the bottom of a form, the case note will appear both as a separate document in the case record and at the bottom of the form.

To assist with finding information in the case record, the description field should always be completed either from one of the descriptions in the available pick list or by entering free text that best describes the content of the case note.

#### General Guidelines for Writing Case Notes

It is always important to carefully consider the information written into any part of the case record and particularly when writing case notes. The contents of the case record can become public through an appeal, in response to a participant's request to obtain a copy of information in their case record or through a subpoena by an attorney.

The following general guidelines apply to case noting:

1. Document important events and developments such as movement through the VR process, medical problems, progress toward achievement of the participants IPE goal and objectives, placement related efforts and activities and other significant events.

2. Document ongoing vocational counseling and focus upon the purpose and outcome of the counseling session and the actions to be taken by the VR counselor and participant prior to the next contact.
3. Provide the rationale for providing services or equipment; don't just record that an authorization has been approved.
4. Record observations of the participant in behavioral statements, do not include subjective comments and do not use medical or psychological labels.
5. Reference forms and reports (e.g., medical, training) that are in the case record to reduce duplicating information that appears elsewhere in the case.
6. Record planning efforts and outcomes, not only what has happened.

#### Required Case Record Information

The VR regulations and federal reporting account for a large part of what needs to be documented in the case record. Information required for federal reporting is incorporated in the case record through specific data fields some of which include federally prescribed pick lists. Additional information required by VR regulations is typically documented through case notes entered by the VR counselor, through documentation of eligibility, the IPE and documentation at case closure.

The VR regulations require that the following information be documented in the case record:

1. If an applicant has been determined eligible for VR services, documentation supporting the eligibility decision
2. If an applicant or eligible individual receiving services under an IPE is determined to be ineligible, documentation supporting the ineligibility determination
3. The justification for closing an applicant's or eligible individual's case record if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the state unit has satisfied the requirements for closing a participant's case as ineligible for VR services
4. If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination

5. Documentation to support the need for trial work to determine eligibility and documentation of the periodic assessment during trial work to assess the applicant's ability to work
6. An IPE and any amendments that meet the requirements in Chapter 6.00, Individualized Plan for Employment (IPE)
7. Documentation describing the extent to which the applicant or eligible individual exercised informed choice in accordance with the requirements in Section 1.05, Informed Choice
8. If a participant's IPE provides for VR services in a non-integrated setting, a justification to support the need for the non-integrated setting
9. For participants who obtain competitive integrated employment, verification that the participant is compensated at or above the minimum wage and that their wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals
10. If a participant is closed as unsuccessful as a result of obtaining non-competitive employment, documentation of the results of the semi-annual and annual reviews in accordance with Chapter 15.00, Semi-Annual and Annual Review of Individuals in Extended Employment
11. If a participant requests an appeal, documentation concerning any action or decision resulting from the request
12. If a participant requests that documentation in the case record be amended and the request is denied, documentation of the request
13. If a participant is referred to another program through "information and referral" services, documentation on the nature and scope of services provided by NYSCB and information about the referral
14. If the participant successfully exits the VR program, documentation that demonstrates the services provided under the IPE contributed to the achievement of the employment outcome and that the employment outcome meets the requirements for successful case closure as outlined in Chapter 2.00, The Vocational Rehabilitation Process

Case Status Specific Documentation Guidelines**Applicant - Status 02**

Using the information obtained from the initial interview, the referral source, and other sources, write an intake case note that includes the following information:

1. Disability
  - a. The applicant's primary disability and any other disabilities, the resulting functional limitations, how the disability(ies) impact obtaining employment and any other relevant information
  - b. Any additional medical information needed to determine eligibility for VR services
  - c. The applicant's preferred format for receiving written materials using the Preferred Format form in the VR Intake packet and enter the preferred format on the applicant's Demographic form or the VR Intake form in CIS
2. Social Information
  - a. Pertinent information regarding the individual's family and home environment
3. Financial Information
  - a. If services contingent on economic need are expected, identify whether the applicant is eligible for items contingent upon economic need
  - b. Comparable benefits which are or may be available
  - c. Other financial resources such as Plan to Achieve Self Support (PASS) and the Achieving a Better Life Experience (ABLE) account
4. Education and Work History
  - a. Educational background
  - b. Vocational training
  - c. Previous work experience and length of employment
  - d. Specific work skills
  - e. Reason for not being employed
5. The applicant's perception of their disability(ies), needs, and challenges past work experience and future goals

6. The VR counselor's observations of the applicant and their disability(ies)
7. The applicant's understanding of the VR process and motivation and interest in obtaining employment
8. If an eligibility decision cannot be made within the required 60-day timeframe, document the reason for an extension. This should be entered in a case note with the description: Extension of Eligibility Determination

#### Trial Work - Status 06

Write a case note that identifies that the purpose of trial work is to determine whether or not the individual's disability is too severe for them to benefit from VR services, in terms of a competitive integrated employment outcome and not to determine eligibility for VR Services.

Document that the plan for trial work has been discussed with the applicant and that the applicant understands and agrees to proceeding with trial work, and that more than one trial work experience(s) may be provided in competitive integrated employment settings to the maximum extent possible to determine the participants ability to benefit from VR services.

#### Closed from Applicant or Trial Work - Status 08

1. When closing a case in Status 08 after attempts to contact the applicant to gather information to determine eligibility have not been successful, document attempts to reach the applicant or the applicant's representative.
2. When closing a case in Status 08 because the applicant declines to participate in VR services, document the declination.
3. When closing a case in Status 08 because the applicant is ineligible for VR services, document the reasons for the determination, that the closure decision has been discussed with the applicant and that the applicant has been notified of the reason for the closure, the appeals process and the availability of the Client Assistance Program in accordance with the guidelines in Section 1.04, Client Assistance Program (CAP).
4. When closing a case in Status 08 after trial work, document the efforts to explore the applicant's capabilities and capacity to perform in competitive integrated work situations through trial work. Also document that the closure decision has been **CASE**

discussed with the applicant and that the applicant has been notified of the reason for the closure, the appeals process and the availability of the Client Assistance Program in accordance with the guidelines in Section 1.04, Client Assistance Program (CAP).

#### Eligibility and Development of the Individualized Plan for Employment (IPE) – Status 10

1. Document any additional information regarding eligibility that is not included in the Determination of Eligibility form or the intake summary.
2. Document any other vision related medical information or other medical information that is relevant to the development of the IPE.
3. Document the need for any additional medical, educational, social or vocational information prior to developing the IPE and how that information will be obtained.
4. Document the basis for the participant's vocational goal, why the planned services are needed to achieve that goal and any other relevant information to support the IPE.
5. Document the participant's work readiness skills and identify training to be provided to improve skills if needed

#### Pre-employment Transition Services - Potentially Eligible

Students that are potentially eligible for Pre-ETS services are those students that have a documented disability (legal blindness) and have not yet applied or been determined eligible for VR services. Documentation should consist of the following:

1. Student's name
2. Social security number (if available)
3. Unique identifier (if available)
4. Date of Birth
5. Race (if in elementary or secondary education)
6. Ethnicity (if in elementary or secondary education)
7. Student with a disability (indicate if the student has a 504 plan or an IEP)
8. Start date of pre-ETS services
9. The pre-ETS services provided

#### Individualized Plan for Employment (IPE) Implementation – Status 18

1. Document the participant's progress toward meeting the objectives in the IPE and toward achieving the IPE goal by providing information about the services received and any issues associated with service provision.

## **CASE RECORD DOCUMENTATION**

14.00.08

2. If the participant's goal is amended, provide the rationale for the change.
3. If there are significant changes in the services to be provided, document the changes and the reason for the changes.
4. Document justification for purchasing equipment, explaining why the equipment is needed and how it will enable the participant to achieve his/her vocational goal.
5. Additional requirements for participants in Supported Employment can be found in Section 12.02, Supported Employment.

### Ready for Employment – Status 20

1. Document that all planned services have been completed or if not, why they were not needed.
2. Document activities related to assisting the participant with the job search including information about any referrals to placement providers and/or to a career center.

### In Employment – Status 22

1. Document the participant's progress on the job or any problems the participant is facing and attempts at resolution.
2. Obtain wage information, title of position, employer, hours worked, and benefits received at employment by sending the Verification of Employment form to the employer.

### Closed Rehabilitated – Status 26

1. Document that the participant has achieved an employment outcome consistent with their IPE and that they have maintained satisfactory employment for at least 90 days and no longer needs VR services.
2. Obtain wage information, title of position, employer, hours worked, and benefits received at employment by sending the Verification of Employment form to the employer.
3. Document any need for post-employment services and that the participant has been notified of the availability of post-employment services prior to case closure.
5. Document that the reason for the decision, the appeals process and the availability of assistance from the Client Assistance Program was discussed with the participant.

## **CASE RECORD DOCUMENTATION**

14.00.09

### Closed, Other Reasons After IPE Initiated – Status 28

### Closed, Other Reasons Before IPE Initiated – Status 30

1. Document the reason for the case closure.
2. Document that prior to case closure, the reason for the decision; the appeals process and the availability of assistance from the Client Assistance Program were discussed with the participant.
3. Document that an ineligibility review has been scheduled within one year of closure if the participant's case is being closed based on a determination that the participant is incapable of achieving an employment outcome.
4. Document that a review of a participant closed in extended employment has been scheduled.

### Receiving Post-Employment Services – Status 32

1. In a case note document the reason for the provision of post-employment services, how they will enable the participant to retain their job and indicate on the IPE the post-employment services to be provided. Prior to case closure, indicate the post-employment services that were completed, and objectives met on the IPE.

### Post-Employment Services Completed - Employment Maintained – Status 34

1. Document how post-employment services enabled the participant to retain their job and whether any additional post-employment services are anticipated in the future.
2. Document that prior to case closure, the reason for the decision; the appeals process and the availability of assistance from the Client Assistance Program (CAP) were discussed with the participant.

### Post-Employment Services Discontinued - Case Reopened – Status 36

### Post-Employment Services Discontinued - Other Reasons – Status 40

1. Document the outcome of the post-employment services and why the post-employment services have been discontinued including the rationale for reopening or not reopening the participant's case.
2. Document that prior to case closure, the reason for the decision, the appeals process and the availability of assistance from the Client Assistance Program (CAP) was discussed with the participant.

## **SEMI-ANNUAL AND ANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT**

15.00.01

### Introduction

WIOA requires that NYSCB conduct reviews and reevaluations of the status of participants who have achieved an employment outcome in an extended employment setting. Reviews and reevaluations must take place semi-annually for 2 years after the participant achieves their extended employment outcome and annually thereafter.

### Purpose of the Review

The purpose of the review is to determine the individual's interests, priorities and needs regarding competitive integrated employment. If the individual is interested in pursuing competitive employment, NYSCB can provide VR services, reasonable accommodations and other necessary support services to assist the individual in the transition from extended employment to competitive integrated employment (including supported and self-employment). The VR counselor may wish to acquire a vocational assessment to gather more information on the opportunity of competitive integrated employment.

### Scope of the Review

The review and reevaluation must include input by the individual, or if appropriate, the individual's representative. In addition, the review and reevaluation of the status of individuals closed in extended employment should include

1. an examination of the individual's case record including a review of the reasons for placement into extended employment,
2. a review of the individual's employment history during the past year including productivity and work adjustment,
3. a determination as to whether any progress or change has occurred in the individual's readiness for competitive employment, and
4. a determination as to whether the provision of additional VR services, reasonable accommodations and/or other support services may lead to competitive employment.

A signed acknowledgment that the review and reevaluation has taken place must be obtained from the individual.

## **SEMI-ANNUAL AND ANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT**

15.00.02

### Other Factors to Consider During the Review

In addition to the above minimum review criteria, other issues to consider include new production techniques or equipment which may aid the individual in employment and the current job market.

### Who Conducts the Review

The senior counselor is responsible for determining who will conduct the review of extended employment. In most cases the reviewer will be a VR counselor.

### Conducting the Review

To conduct the review, the designated individual will interview the individual, community rehabilitation program staff and where appropriate, the individual's representative and will review the individual's case record. Available and appropriate information from the community rehabilitation program may be used to assist the reviewer during the review process. Examples of such information are agency reviews, reports and vocational assessments.

The review may result in continuation of the individual in extended employment or reopening the individual's case.

### Number of Reviews

Individuals in extended employment will be reviewed semi-annually for two consecutive years. If the semi-annual reviews indicate that no significant change has taken place in the individual's job readiness or prospect for competitive employment, reviews will continue on an annual basis.

### Recording the Review

The outcome of the review will be recorded on the form titled Semi-annual and Annual Review of Persons Placed in Extended Employment below. After appropriate signatures are obtained on the form, it will be scanned attached in the individual's case record.

**SEMI-ANNUAL AND ANNUAL REVIEW OF INDIVIDUALS  
IN EXTENDED EMPLOYMENT**

15.00.03

DISTRICT OFFICE \_\_\_\_\_

**SEMI-ANNUAL AND ANNUAL REVIEW OF PERSONS PLACED IN EXTENDED  
EMPLOYMENT**

1. Individual's Name \_\_\_\_\_ Case No. \_\_\_\_\_  
Employer \_\_\_\_\_ Review Date \_\_\_\_\_  
Address \_\_\_\_\_ Closure Date \_\_\_\_\_  
\_\_\_\_\_

2. Extended Employment Review (To Be Completed with Community Rehabilitation  
Program Personnel)

A. Productivity (Check Appropriate Box)

<input type="checkbox"/> Competitive Level	<input type="checkbox"/> Average
<input type="checkbox"/> Above Average	<input type="checkbox"/> Below Average

B. Adjustment to Work (Check Appropriate Box)

<input type="checkbox"/> Competitive Level Setting Only	<input type="checkbox"/> Adequate for Current
<input type="checkbox"/> Needs Improvement for Competitive Level	<input type="checkbox"/> Not Adequate for Current Setting

C. ☐ Individual is ready for competitive level employment or training for  
competitive level employment.

D. ☐ Individual is not ready for competitive level employment.  
Specify reason: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SEMI-ANNUAL AND ANNUAL REVIEW OF INDIVIDUALS  
IN EXTENDED EMPLOYMENT**

15.00.04

3. Individual Interview (To Be Completed with Individual After Section 2 is Completed)

☐ In Agreement With Evaluation from Employer

☐ Disagree With Employer Evaluation. Reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Results of Review

☐ No Change in Individual's Readiness for Competitive Employment

☐ Placed in Referral/Applicant Status 00/02

☐ Placed in Post-Employment Services Status 32

☐ Employed in Competitive Level or Self-Employed

\_\_\_\_\_

☐ Not Available for Review

☐ Other (Specify) \_\_\_\_\_

Individual's Signature \_\_\_\_\_ Date \_\_\_\_\_

VR Counselor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Senior Counselor's Signature \_\_\_\_\_ Date \_\_\_\_\_

### Policy

NYSCB staff, community rehabilitation programs and existing community resources should be explored prior to using private vendors to provide VR services.

When services are not available or feasible through community rehabilitation programs or NYSCB direct service staff, VR counselors have the option to utilize private vendors.

### When to Use Private Vendors

Approved private vendors may be utilized when

1. there is a specific need for a service not offered by a community rehabilitation program,
2. NYSCB direct service staff are unavailable,
3. the needed service is not available from other community agencies, and
4. there will be a significant delay in the delivery of service from a community rehabilitation program or other community resource.

### Private Vendor File

NYSCB district offices maintain a local private vendor file which lists each vendor by service. A statewide private vendor file is maintained in home office.

When VR counselors need to use a private vendor outside their office territory, they should contact the district office in that territory to identify a qualified private vendor.

### Approval of Private Vendors

The approval of a private vendor is based upon the individual's ability to meet the educational, experiential and certification requirements required by NYSCB. Only those private vendors who are approved by the NYSCB home office can be used to provide services.

### Liability Insurance

As self-employed persons, private vendors are expected to be self-insured. NYSCB does not provide liability coverage for private vendors.

Procedure for Private Vendor Approval

When requesting private vendor approval, the district manager will follow these procedures:

1. Determine if the vendor has previously received approval.
2. Discuss with the prospective vendor the NYSCB standard for the service being provided, as well as current rates and mileage reimbursement policy.
3. Complete the top section of the OCFS-3598, *Individual Private Vendor Application*.
4. Send an application packet to the vendor which when completed will be returned to the district manager. Include the current guidelines document for the services to be provided with the packet.
5. Review the application for completeness and forward it to the home office with a statement regarding the need for the vendor and any other relevant comments.
6. If the vendor is employed by an organization or agency from which NYSCB purchases services, the Employee Release Letter below must be submitted by the employer indicating that there is no conflict of interest.
7. If the vendor is applying for approval as a Technology Consultant, they need to complete and submit the High-Tech Consultant Application Form below.
8. The application will be reviewed in the home office. If the prospective vendor meets the NYSCB personnel standard for the service to be provided, the application will be approved. The home office will send copies of the approved application to the
  - a. district office that submitted the application, and
  - b. private vendor.
9. If the application is not approved, the vendor and the requesting district manager will be notified in writing and the district manager will be advised of the reason(s) for disapproval.

Duration of Approval

Once a private vendor is approved, they will remain on the NYSCB private vendor list until

1. the vendor requests that their name be removed from the list,
2. the vendor moves out of state or is no longer available to provide services, or
3. NYSCB has determined that the vendor no longer meets the requirements for approval.

### Progress Reports

Private vendors are required to provide the VR counselor with a progress report each time an authorization is submitted for payment.

In addition, the vendor must submit a final service report to the VR counselor within one week of completion of the authorized period of service.

Additional reports, verbal or written, will also be provided when requested by the VR counselor.

Progress reports should contain the following information: the time period covered; service goals; services provided; a summary of the participant's progress toward the service goal(s); comments or concerns and recommendations.

### Participant Conferences

Conferences with the private vendor can be held, as needed, to discuss the participant's progress and to plan for additional or alternative services to meet the participant's needs and achieve their goal(s).

Conferences can be held at any time during the service delivery period, particularly if a problem has been identified in the progress report or if requested by the participant, the private vendor or the VR counselor. Conferences can be held in person or via telephone.

### Confidentiality

Information about participants served by NYSCB (e.g., background, psychological and medical records) is confidential and cannot be released without the participant's written consent. Only information necessary for the provision of VR service should be shared with private vendors. See Section 1.01, Confidentiality, for additional information.

## PRIVATE VENDORS

16.00.04

### Private Vendor Services Rates

The current rates for services purchased from private vendors can be found in the *Comprehensive Services Guidelines*, Appendix B.

**NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES  
COMMISSION FOR THE BLIND**

**APPLICATION LETTER**

Dear \_\_\_\_\_:

Please complete and return the attached *Individual Private Vendor Application* for approval as a private vendor. Please also submit your resume and copies of appropriate certificates, licenses or registrations as indicated on the application.

If approved, you will be notified by the NYSCB home office. Approved vendors are paid after services are provided.

Approval to provide services does not guarantee utilization of your services. The fee paid by NYSCB for services cannot be supplemented by the participant or any other payment source. It is your responsibility to inform our office of any changes in your status which may affect provision of services.

If you have any questions concerning the applications or the approval process, please contact me.

---

District Manager

**NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES  
COMMISSION FOR THE BLIND**

**INDIVIDUAL PRIVATE VENDOR MILEAGE REIMBURSEMENT POLICY**

To encourage the provision of services in rural areas, NYSCB will provide an incentive in addition to the current state mileage reimbursement rate for total round trip travel in excess of 80 miles in accordance with the following schedule:

Current state mileage rate for all miles traveled, plus the following:

Round Trip Miles Traveled	Reimbursement
0-80	\$ 0
81-120	\$7.50
121-160	\$17.00
161-200	\$28.50
201-250	\$42.00
250+	\$49.50

This applies to all areas outside Metropolitan New York City. In Metropolitan New York City, reimbursements will be based on travel receipts.

Travel reimbursement should be from the vendor's point of origin to the point of service delivery and return.

For example, using \$.555 as the mileage rate:

1. Vendor origin, Albany, to participant in Lake George -124 round trip miles. Payment received would be \$85.82 plus fee for service.

\$17.00	payment for miles between 121 & 160
<u>\$68.82</u>	state mileage reimbursement
\$85.82	Total

2. Vendor origin, Albany to participant in Saratoga - 64 round trip miles. Payment received would be \$35.52 plus fee for service.

\$ 0.00	under 81 miles, no reimbursement
<u>\$35.52</u>	state mileage reimbursement
\$35.52	Total

**NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES  
COMMISSION FOR THE BLIND**

**EMPLOYER RELEASE**

NYSCB Staff Name  
Title  
New York State Commission for the Blind  
Street Address  
State Address

Dear:

\_\_\_\_\_, a member of our staff has advised us that  
Name

they have applied to be a Private Vendor to provide

\_\_\_\_\_ to individuals served by NYSCB.  
Service

We see no conflict of interest in working for the New York State Commission for the Blind as a private vendor on their own time.

Sincerely,

Name \_\_\_\_\_

Title \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

**NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES  
COMMISSION FOR THE BLIND**

**HIGH TECH CONSULTANT APPLICATION FORM****NAME:** \_\_\_\_\_**ADDRESS:** \_\_\_\_\_**TELEPHONE:** \_\_\_\_\_

**PLEASE CHECK THE APPROPRIATE BOX FOR EACH STATEMENT OR  
QUESTIONS.**

- |    |   |          |         |
|----|---|----------|---------|
| 1. | I am willing to travel to a participant.<br>If yes, state maximum travel time.    | ____ Yes | ____ No |
| 2. | I am willing to set up any and all equipment I<br>have ordered for a participant. | ____ Yes | ____ No |
| 3. | I am willing to set up equipment someone else has<br>ordered for a participant.   | ____ Yes | ____ No |
| 4. | I am willing to train the participant on the equipment<br>I have ordered.         | ____ Yes | ____ No |
| 5. | I am willing to train a participant on the equipment<br>someone else has ordered. | ____ Yes | ____ No |
| 6. | I am willing to train the participant on the software<br>I have ordered.          | ____ Yes | ____ No |
| 7. | I am willing to train a participant on the software<br>someone else has ordered.  | ____ Yes | ____ No |

**HIGH TECH CONSULTANT APPLICATION FORM**

**SOFTWARE**

8. a. I know word processing software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following word processing software programs:
9. a. I know database management software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following database management software programs;
10. a. I know communications software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following communications software programs:
11. a. I know spread sheet software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following spread sheet software programs:

**HIGH TECH CONSULTANT APPLICATION FORM**

**SOFTWARE** (continued)

12. a. I know large print software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following large print software programs:
13. a. I know voice output software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following voice output software programs:
14. a. I know braille output software well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following braille output software programs:

**HARDWARE**

15. a. I know computer hardware well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following computer hardware:

**HIGH TECH CONSULTANT APPLICATION FORM**

**HARDWARE** (continued)

16. a. I know printers well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following printers:
- 
17. a. I know large print output hardware well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following large print output hardware:
- 
18. a. I know voice output hardware well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following voice output hardware:
- 
19. a. I know braille output hardware well enough to:  
\_\_\_\_recommend \_\_\_\_install \_\_\_\_teach
- b. I am familiar with the following braille output hardware:

High Tech Consultant's signature: \_\_\_\_\_ Date: \_\_\_\_\_